



**GCEDC Board Meeting
Thursday, March 3, 2022
Location: Electronically
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: M. Clattenburg, M. Gray, P. Battaglia, P. Zeliff, T. Bender, C. Kemp, C. Yunker
Staff: L. Farrell, M. Masse, S. Hyde, L. Casey, J. Krencik, P. Kennett, C. Suozzi
Guests: R. Gaenzle (Harris Beach), D. Cunningham (GGLDC Board Member), T. Felton (GGLDC Board Member), G. Torrey (GGLDC Board Member), J. Tretter (GGLDC Board Member), F. Hiffa & M. Osika (Park Strategies), M. Landers (County Manager)
Absent:

1.0 Call to Order

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

Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference.

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 4:01 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.

The motion was seconded by C. Yunker and approved by all members present.

1.2 Enter Public Session

P. Battaglia made a motion to enter back into public session at 4:21 p.m., seconded by M. Clattenburg and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, March 24th at 4:00 p.m.
Audit & Finance Committee Meeting: Thursday, March 24th at 3:00 p.m.
STAMP Committee Meeting: Wednesday, March 23rd at 8:00 a.m.
Governance & Nominating Committee Meeting: Thursday, March 3rd at 3:00 p.m.
Cancelled – Annual Meeting: March 25th

2.2 Agenda Additions / Deletions / Other Business –

C. Yunker made a motion to add Authorizing Resolution #03/2022 - 03 to agenda item 4.5 “Purchase and Sale Agreement for Apple Tree Acres Property”; the motion was seconded by T. Bender. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

M. Gray made a motion to remove agenda item 4.3 - “STAMP Cost Per Acre”; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

2.3 Minutes: February 3, 2022.

M. Clattenburg made a motion to accept the minutes from February 3, 2022; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 J & R Fancher Properties Holding, LLC – Initial Resolution- J&R Fancher Properties Holding is planning on building a facility at Buffalo East Technology in the town of Pembroke on 3 acres. The facility will total 52,332 sq. ft. of which 45,000 sq.ft. pre-engineered steel warehouse building with 7,332 sq. ft. office.

The project is investing \$3.25 million and planning on creating 4 FTE's.

The project is seeking assistance from the GCEDC in the form of a property tax abatement (\$433,243) (standard 60% abatement over 10 years), a sales tax abatement (\$152,000), and a mortgage tax exemption (\$25,000).

Resolution No. 03/2022 - 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 FOR THE BENEFIT OF J & R FANCHER PROPERTY HOLDINGS, LLC, (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.

M. Clattenburg made a motion to accept Initial Resolution #03/2022-01, authorizing the acceptance of the application and scheduling of a public hearing; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.2 Gateway GS, - Authorizing Resolution - Gateway GS LLC (Gallina Development) is building a third building at the GCEDC's Gateway II Corporate Park in the town of Batavia.

The Company's principal mortgage amount necessary to undertake the Project increased to \$2,800,000.00, which is an increase of \$140,000.00 from the previous increase authorized on January 13, 2022. This will result in a mortgage tax exemption of \$28,000.00, which is an increase of \$1,400.00 from the previous increase approved on January 13, 2022.

Resolution No. 03/2022 - 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, (ii) RATIFYING AND CONFIRMING THE FINDINGS OF THE AGENCY MADE IN THE RESOLUTIONS PREVIOUSLY ADOPTED BY THE AGENCY ON JULY 1, 2021, AUGUST 5, 2021 AND JANUARY 13, 2022, AND (iii) IF NECESSARY, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

T. Bender made a motion to accept Authorizing Resolution #03/2022-02, authorizing an increase in incentives as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.3 NY Green Board Appointment- The GCEDC Board is required to pass a resolution that designates an individual from the GCEDC to serve as a standing member to the NY Green Board of Directors as stated in the NY Green By-Laws as follows:

a. Standing Members – The Board shall include three (3) members representing local conservation, municipal, and development interests. The Standing Members shall consist of one individual representative from each of the following: the Genesee County Soil and Water Conservation District, Town of Batavia, and GCEDC. The Chair/President/Director of the organizations with standing membership on the Board may appoint in writing a delegated representative. Each standing member shall annually certify their selected representative on the Board. Standing members shall annually certify their selected representative on the Board. Standing members shall have a permanent position on the Board, with representatives changing upon formal action by the respective agencies or organizations they represent.

The NY Green Board has requested that the GCEDC pass another resolution designating the representative from the GCEDC to serve on their Board of Directors in connection with a Resiliency Grant that was received from NYSDOS.

C. Yunker made a motion to accept the resolution appointing the GCEDC's Senior VP of Operations to the NY Green Board of Directors; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.4 Park Strategies – Legislative Update - F. Hiffa and M. Osika from Park Strategies provided a Legislative update. Most importantly, Governor Kathy Hochul announced that the fiscal year 2023 budget will make up to \$200 million available to the new FAST NY grant program to develop sites that will attract high-tech manufacturing, particularly semiconductor manufacturing, warehousing, distribution and logistics businesses to the state to jumpstart New York's shovel-readiness and increase the state's attractiveness to large employers.

F. Hiffa and M. Osika left the meeting.

4.0 Audit & Finance Committee

4.1 Investment Report - The Investment Report summarizes the GCEDC's bank balances, general ledger balances and interest income at 12/31/21. As of 12/31/21, cash balances were fully collateralized. The report will be submitted into PARIS and posted on the website.

This was recommended for approval by the Committee.

M. Gray made a motion to approve the Investment Report as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.2 Procurement Report- Public Authorities are required to report all procurement transactions active during the reporting period that have an actual or estimated value of \$5,000 or more. This report will be submitted into the PARIS system and posted on the website.

The Procurement Report was reviewed in detail by the Committee and recommended for approval.

M. Gray made a motion to accept the Procurement Report 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
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

4.3 STAMP Cost Per Acre - Removed from the agenda.

4.4 Park Strategies Contract- The GCEDC contracts for the professional services of Park Strategies for government relations and lobbying services to advance the mission of the GCEDC and the development of the WNY STAMP site and other critical economic development activities.

Park Strategies is effective in helping the GCEDC advance infrastructure funding, site development, and site readiness, as well as maintaining strong relationships with state and federal partners.

Other services provided by Park Strategies include monitoring of legislation and the New York State budget bills, research and reporting on bill status and activity, advocacy and weekly update calls with the GCEDC.

J. Krencik asked the Committee to recommend approval of a renewal of services for the April 1, 2022 – March 31, 2023 period at \$1,500 per month (\$18,000 annually). The contract's cost was anticipated and contained in the 2022 budget.

This was recommended for approval by the Committee.

P. Battaglia made a motion to approve the Park Strategies Contract not to exceed \$18,000 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia - Yes
T. Bender - Yes
M. Clattenburg - Yes
C. Kemp - Yes

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

The item was approved as presented.

4.5 Purchase and Sale Agreement for Apple Tree Acres Property- The GCEDC has a PSA for approximately 1.5 acres known as "Roxbury Lane" from Apple Tree Acres, LLC. The company is looking to acquire this to utilize as a roadway for a project on their existing property.

Fund Commitment: Legal fees to Harris Beach not to exceed \$8,000 for the transaction.

This was recommended for approval by the Committee.

Resolution No. 03/2022 - 03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING (i) THE SALE OF CERTAIN AGENCY OWNED REAL PROPERTY TO BERT BERARDI, ON BEHALF OF APPLE TREE ACRES, LLC, AND (ii) THE EXECUTION OF A PURCHASE AND SALE AGREEMENT, A DEED, AN EASEMENT AGREEMENT, AND RELATED DOCUMENTS IN CONNECTION THEREWITH.

M. Gray made a motion to accept Authorizing Resolution #03/2022-03 for the Purchase and Sale Agreement with Bert Berardi (Apple Tree Acres, LLC) and payment of legal fees not to exceed \$8,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia - Yes
T. Bender - Yes
M. Clattenburg - Yes
C. Kemp - Yes

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

6.1 ROW Easement Payment Approval- In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. Based on a compensation model the following payments are needed for two easements:

1. Temporary Easement 1 - \$500

2. Temporary Easement 2 - \$500

The GCEDC has also been informed that 5 more easement holders have agreed to sign but we have not received the paperwork yet. The GCEDC is seeking approval of the following easements and amounts contingent upon receiving all necessary signed documentation from ROW Professionals, LLC:

- 1. Permanent Easement 4 - \$1,000
- 2. Temporary Easement 7 - \$500
- 3. Temporary Easement 8 - \$500
- 4. Temporary Easement 9 - \$500
- 5. Temporary Easement 10 - \$500

Fund Commitment: \$4,000 from the \$33 million.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the ROW Easement Payments contingent upon receipt of executed easements not to exceed \$4,000; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.2 Part 182 Take Permit Proposal- In December and January the GCEDC updated its studies for the endangered and threatened species of winter raptors per the NYSDEC's request. The result of that study showed a few winter raptors at the site and the NYSDEC is determining if the STAMP site would be qualified habitat for those birds. If the NYSDEC takes Jurisdictional Determination over that habitat, the GCEDC would need to complete a Part 182 incidental take permit to impact that habitat for potential development. CC Environment & Planning has prepared a proposal to complete that process.

Fund Commitment: \$31,050 to be covered under the \$8 million.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the Part 182 Take Permit Proposal with CC Environment and Planning not to exceed \$31,050 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.3 Visualization Services- In conjunction with the March 2021 Letter of Resolution between NYSDEC, SHPO and the GCEDC, any project at STAMP that requires a discharge permit for stormwater from NYSDEC must complete an assessment of potential impacts to the Nation's Territory. This proposal will be to prepare a visual assessment for the construction of the substation. This will include photo simulations along with line-of-sight profiles. This will also include the visual assessment for the GCEDC to apply to the Town of Alabama to increase the height limit of TD-1 from 110 feet to 150 feet.

Fund Commitment: \$8,436 from the \$33 million.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the authorization of the Visualization Services with Saratoga Associates not to exceed \$8,436 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.4 KTA IA Preparation for Substation - As part of the STAMP development and the neighboring Tonawanda Seneca Nation, in accordance with Section 106 for the wetland permits, the GCEDC is working with the Tonawanda Seneca Nation on an assessment of the TCP potentials as it relates to the criteria for eligibility of listing on the National Historic Register. KTA Preservation Specialists has prepared a proposal to prepare an assessment of any potential impacts to the Nation from the construction of the substation on the STAMP site.

Fund commitment: Not to exceed \$1,440 included in the \$33 million.

This was recommended for approval by the Committee.

P. Zeliff made a motion to approve the KTA Preservation Specialists contract not to exceed \$1,440 for the evaluation of TCP issues as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.5 Limited Water Sampling Program - In conjunction with the NYSDEC's review of the proposed WWTF to be constructed at STAMP, they have identified some items in the waste stream that may require additional treatment above and beyond what has been designed. To determine what level of treatment may, or may not, be required, the GCEDC wants to complete some analysis from the three different potential water sources for STAMP.

Fund Commitment: \$4,200 (\$3,700 plus the \$500 five day turn around) to be covered under the \$33 million.

This was recommended for approval by the Committee.

P. Zelif made a motion to approve the proposal with C & S Companies not to exceed \$4,200 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
T. Bender -	Yes	P. Zelif -	Yes
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, T. Bender made a motion to adjourn at 4:40 p.m., which was seconded by M. Clattenburg and passed unanimously.