



LIVINGSTON COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

LIVINGSTON COUNTY GOVERNMENT CENTER  
6 COURT STREET, ROOM 306  
GENESEO, NEW YORK 14454-1043

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Approved by \_\_\_\_\_

A handwritten signature in blue ink, appearing to be "J.P. Brooks", written over a dashed line.

MINUTES

LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
ANNUAL MARCH MEETING

Friday, March 5, 2010

Livingston County Government Center, Room 205, Geneseo, NY

**Members Attending:** P. Brooks, E. Gott, W. Bacon, P. Yendell, W. Isaac

**Staff Attending:** P. Rountree, J. Marshall, J. Coniglio, T. Donegan, L. Wadsworth, M. LaPoma

**Other:** M. Cole

Chairman Brooks called the meeting to order at 10:03 a.m. and welcomed everyone.

ANNUAL MEETING

**-Election of Officers**

A list of current officers of the Agency was reviewed.

**Chairman:** Mr. Brooks

**Vice Chairman:** Mr. Bacon

**Secretary:** Mr. Boscoe

**Assistant Secretary:** Mr. Gott

**Treasurer:** Ms. Doerflinger

**Assistant Treasurer:** Mr. Isaac

*Mr. Yendell moved, seconded by Mr. Gott, authorization to close the nominations and to appoint members to the appointments as nominated. Carried.*

**-The following Appointments were reviewed:**

**-Official Funds Depositories**

**-Chief Financial Officer**

**-Counsel**

- Transaction Counsels
- Auditor
- Administrative Director
- Deputy Administrative Director
- Official Newspapers
- Governance Committee Appointments
- Audit Committee Appointments
- Public Information Officer
- Contracting Officer

The auditor appointment will be changed from Freed Maxick & Battaglia to The Bonadio Group. Mr. Isaac moved, seconded by Mr. Gott, approval of the appointments as amended. Carried. Mr. Bacon abstained.

#### **-Establish Regular Meetings Dates for 2010/2011**

These are scheduled for the first Friday of the month at 10:00 a.m. unless there's a holiday. Mr. Isaac moved, seconded by Mr. Gott, the approval of the meeting dates for 2010/2011. Carried. Mr. Rountree asked if 10:00 a.m. is ok or if it should be changed. Members were fine with the time.

#### **-Audit Committee Report on Internal Controls**

Because of legislation that went into effect on March 1<sup>st</sup>, this report is tabled until the March 29<sup>th</sup> meeting. Mr. Yendell moved, seconded by Mr. Bacon, authorization to table the Audit Committee's Report on Internal Controls. Carried.

#### **-Other Appointments and Designations as Proposed by the Agency or its Counsel**

None.

#### **APPROVAL OF MINUTES**

Mr. Yendell moved, seconded by Mr. Bacon, the approval of the February 5, 2010 Minutes. Carried.

#### **COMMUNICATIONS & CORRESPONDENCE**

Mr. Rountree reviewed the new tax placed on IDA's.

The Rochester Regional Joint Board of Workers letter was reviewed. Mr. Coniglio stated that currently the IDA is considering a project for Hampton Inn. New legislation was passed in 2009 requiring hotel developers receiving funding from State authorities to sign a labor peace agreement. It's his opinion that it only applies to hotels attached to convention centers and of a certain size. The legislation is geared towards New York City and only applies to State Authorities, which we are not. The hotel and restaurant workers union is the largest in the State.

The NYSEDC correspondence will be covered at a later time.

Mr. Griffin of Harris Beach has extended an invitation from the Friendly Sons & Daughters to attend an event on March 11<sup>th</sup> from 6:00 to 10:00 p.m. in Rochester if anyone is interested in attending.

We received the invitation for the Farmer/Neighbor dinner to be held on March 26<sup>th</sup>. We usually sponsor this at a \$200 level. Mr. Bacon moved, seconded by Mr. Yendell, authorization to sponsor the Farmer/Neighbor Dinner at the same level as last year. Carried.

Mr. Rountree thanked members for the floral arrangement and cards on his fathers passing.

**-Bulk Products Development Corp.**

We've had past discussions about an expansion of the Lakeville facility and received correspondence from Counsel on a closing scheduled this week. Mr. Cole stated the Lakeville facility currently has 38 grain elevators. They normally turn the inventory 2-1/2 times a year, last year it was 9. To accommodate their continued growth, the facility added 4 large bins as well as some smaller bins. Two years ago they completed part of the project. This year they will be investing \$800,000. They had financing with Farm Credit and have decided to refinance the existing debt and the new debt through Five Star Bank. Perdue wants to incrementally expand so they will likely do another expansion next year.

There is another ethanol plant that is going to open in Fulton. This will increase demand. It will be twice the size of the Medina plant. Mr. Rountree asked the Agency to waive the 1% administrative fee. Mr. Coniglio stated that the \$2.8 million of existing debt would be refinanced as well as the \$800,000 of new money for the expansion. The Bank has the option to record a mortgage modification agreement. If the transaction is done that way, there's a strong likelihood that wouldn't generate a new mortgage tax. He believes the refinancing would be considered an administrative act not subject to a public hearing. We would probably need an inducement on whatever part of this is subject to a mortgage tax. He questioned whether Mr. Cole had to go to the Town for a site plan approval. Mr. Cole stated they had approval for 4 large bins and this is the 2<sup>nd</sup> one they're putting in. Public Hearing notice requirements have changed from 30 days to 10 days.

Mr. Cole departed at 10:32 a.m.

**-Commodity Resource Corporation (CRC)**

Mr. Rountree along with representatives from the State & GRE, met with a company called Novara. It's a successful 25 year old company that has a strong relationship with Land O' Lakes. They manufacture a product that utilizes the same material as Land O' Lakes. This will be the first of 8 plants they hope to build. It will be located adjacent to CRC and will use existing equipment and possibly manpower. There are a lot of synergies. Our competitor is Medina and the company has talked to Genesee County as well.

**TREASURER'S REPORT**

**-Financial Reports For Period Ending February 28, 2010**

Mr. Rountree reported we did open another CD. Bank of Castile was the high bidder at 1%. Legal expenses were in and out related to Bulk Products. D.P. Tool is leaving the title of the Agency so that cost is reflected as well. We also had expenses to Day Environmental for monitoring of the wells in the Mt. Morris Industrial Park. *Mr. Isaac moved, seconded by Mr. Gott, the approval of the Treasurer's Report for the period ending February 28, 2010. Carried.*

**OLD BUSINESS**

**-Greater Tater**

A meeting was held with Mr. Bacon & Mr. Yendell in attendance. The covenants have been removed on the property. They are interested in the far northern parcel. A meeting with the Village to review their sewage treatment facility needs to be held. There was a negative front page

article on the company in the Genesee Country Express. Mr. Case stated that a retraction would appear in this week's paper. Mr. Brooks commented on the article and how it affected the perception in the community. They are out of space at the current facility. We are working to advance this project. Discussions will continue.

**-Save-A-Lot**

Ms. Schmitz was in attendance at the last meeting to present her project & answer any questions members had. Due to a family situation, her application to the Agency is on hold. This will be addressed at the next meeting.

**-Mart Inn**

Mr. Coniglio reported that they received their final site plan approval this week. He spoke with Mr. LaDelfa this morning. They are in the process of compiling needed information. We will be applying for an Upstate Blueprint Grant for this project.

**NEW BUSINESS**

**-Administrative Services Assessment**

Every IDA received an invoice for services the State provides to us. It was based on gross revenues in 2008. Other Counties have invoices in excess of \$100,000. Senator Young is working with other IDA's to get this repealed. The invoice has to be paid by March 31<sup>st</sup>.

*Mr. Yendell moved, seconded by Mr. Isaac, authorization to convene to executive session for the purpose of discussing a possible land sale and litigation.*

**10:53 a.m. - Executive Session Called**

**11:13 a.m. - Executive Session Ended**

*Mr. Gott moved, seconded by Mr. Bacon, authorization to end executive session. Carried at 11:13 a.m.*

**REPORT OF EXECUTIVE SESSION**

The Livingston County Industrial Development Agency having met in executive session for the purpose of discussing a possible land sale and litigation, hereby reports as follows:

**-NYSEDC**

NYSEDC is seeking participation in a class action lawsuit against the State using an Article 78. They are working with a law firm in Yonkers and have asked for a donation from IDA's. They are seeking \$1,000. *Mr. Gott moved, seconded by Mr. Bacon, authorization to contribute \$1,000 to the Economic Development Defense Fund. Carried.*

**-Land Sale**

We will ask the interested party to submit an offer.

**-Authority Budget Office Acknowledgement of Fiduciary Duty Statement**

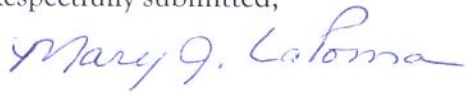
The Public Authorities Reform Act of 2009 went into effect March 1<sup>st</sup>. There is a requirement that by May 1<sup>st</sup> Members must acknowledge their fiduciary responsibilities. The Mission Statement must be reviewed and members must sign the statement. One new requirement is that we have to have 3 independent members. This will have to be further evaluated.

We will have a regular meeting on March 29<sup>th</sup>.

ADIOURNMENT

*Mr. Isaac moved, seconded by Mr. Gott that the meeting adjourn. Carried at 11:16 a.m.*

Respectfully submitted,

A handwritten signature in blue ink that reads "Mary J. LaPoma". The signature is written in a cursive style with a large initial 'M' and 'L'.

Mary J. LaPoma  
Administrative Secretary