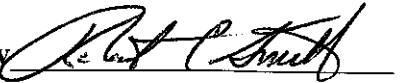


LIVINGSTON COUNTY DEVELOPMENT

ECONOMIC • INDUSTRIAL • COMMUNITY

Approved by 

MINUTES
LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY
Friday, August 5, 2016

Livingston County Government Center, Room 205
Geneseo, NY 14454

Members Attending: P. Brooks; G. Moore; R. Smith; S. Boscoe; P. Yendell; E. Gott; L. Lane

Staff Attending: W. Bacon; M. Wheeler; L. Wadsworth; T. Taylor

Guests Attending: E. Russell, Esq.; A. Kosa, Clark Patterson Lee

Chairman Brooks welcomed members and guests and called the meeting to order at 9:00 AM

APPROVAL OF MEETING MINUTES

A motion was made by Mr. Gott to approve the July 8, 2016 Meeting Minutes, seconded by Mr. Yendell. All in favor. Carried.

TREASURER'S REPORT

Mr. Bacon reviewed the financial statements for period ending July 31, 2016.

A motion was made by Mr. Gott to approve the treasurer's report for the period ending July 31, 2016, seconded by Mr. Boscoe. All in favor. Carried.

COMMUNICATIONS & CORRESPONDENCE

Night for Noyes

Mr. Bacon advised that Noyes Health is holding its first fundraising gala on October 15th to benefit Ann and Carl Myers Cancer Center. All members are invited to attend.

OLD BUSINESS

Industrial Parks Update

Livonia Gateway Park – Mr. Bacon reported that the agency was not selected for the submitted TIGER Grant application.

Crossroads Commerce Park – Mr. Bacon advised that 5 new companies have been added to the park sign.

The striping on the road has been completed on Tec Dr. and the Town of Avon will be taking care of ordering and installing the signage. The dedication of the road will be completed by August 20th.



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Mr. Bacon advised that Brett Steinberg from Economic Development Administration inspected the road last week and he was very pleased with the outcome.

Mr. Bacon reported that he had a meeting with National Grid and their designer regarding the best location of a junction box to serve the most parcels. National Grid is currently designing the build out and advised that after it's ordered it will take 6-8 weeks to arrive.

Evening Star Coffee Roasters is ready to close on their lot as of last week. All of the paperwork is currently being coordinated with their attorney, and the closing is expected to take place within the next 2 weeks.

The agency received a bid from the Town of Avon for the expansion of the pond.

Grain Hub Study Update

Phase I (The Feasibility Study) shows that there is a large demand for small grains. Mr. Bacon advised that the agency received funding for phase II of the study which is for the business plan. A letter of intent was sourced from the operator at Howlett Farms who is well versed in running a facility.

NEW BUSINESS

Maddie's Motor Sports Authorizing Resolution

Mr. Russell explained that this resolution will authorize the financial assistance package for Marcus Real Estate, LLC who will then sublease to Maddie's Motor Sports, LLC.

RESOLUTION OF THE LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TOWARD ACCEPTING THE APPLICATION OF MARCUS REAL ESTATE, LLC, A NEW YORK LIMITED LIABILITY COMPANY AUTHORIZING THE SCHEDULING AND CONDUCTING OF A PUBLIC HEARING, AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE FACILITY.

WHEREAS, Marcus Real Estate, LLC, a New York limited liability company (the "**Company**") on behalf of itself and/or the principals of Marcus Real Estate, LLC, has applied to the Livingston County Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the further development of a parcel of land located at 116 Clara Barton Street in the Village of Dansville, Livingston County, New York (further described as Tax Map No. 203.19-1-1 (the "**Land**"), which shall consist of the construction and equipping of a 7,000 square foot expansion of an existing building (the "**Expansion**") to be located on the Land which is to be leased to the Agency by the Company and leased back by the Agency to the Company for further subleasing by the Company to Maddie's Motor Sports LLC the ("**Sublessee**") and used by the Sublessee for its motor sports sales and service business (the **Expansion** and the **Land**, are hereinafter described as the "**Facility**") and including the following with respect to the construction and equipping of such Facility, whether or not any materials or supplies described below are incorporated into or become an integral part of such Facility: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with the construction and equipping of the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description used in connection with the construction and equipping of the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery and other tangible personal property (including installation costs with respect thereto) installed or placed in, upon or under such Facility; and

WHEREAS, the Agency will lease the Expansion from the Company and will lease the Expansion back to the Company, and the Company will sublease the Expansion to the Sublessee, all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 132 of the Laws of 1973 of the State of New York, as the same may be amended from time to time (collectively, the "**Act**"); and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company, consistent with the policies of the Agency, in the form of exemptions from mortgage recording taxes in the estimated amount of \$5,000 sales and use taxes in an



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estimated amount of \$21,120 and abatement of real property taxes on the increased assessment resulting from improvements to the Facility, to be more particularly described in a Final Authorizing Resolution to be adopted by the Agency prior to the closing of the transactions described herein; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility when (i) the predominant purpose of the project would be to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the city, town, or village within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services; or (ii) the project is located in a highly distressed area as defined by Section 854 (18) of the Act.

WHEREAS, prior to the closing of the transaction described herein, a public hearing (the "Hearing") will be held so that all persons with views in favor of or opposed to either the financial assistance contemplated by the Agency or the location or nature of the Facility can be heard; and

WHEREAS, notice of the Hearing will be given prior to the closing of the transaction described herein, and such notice (together with proof of publication) will be substantially in the form annexed hereto as Exhibit A; and

WHEREAS, the Agency has given due consideration to the application of the Company and to representations by the Company that the proposed transaction is necessary to maintain the competitive position of the Company and the Sublessee in their respective industries; and

NOW, THEREFORE, BE IT RESOLVED by the Livingston County Industrial Development Agency (a majority of the members thereof affirmatively concurring) that:

Section 1. The construction and equipping of the Facility by the Agency, the leasing thereof by the Agency to the Company, and the subleasing of the Expansion by the Company to the Sublessee, and the provision of financial assistance pursuant to the Act will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of Livingston County and the people of the State of New York and improve their standard of living, and thereby serve the public purposes of the Act, and the same is, therefore, approved.

Section 2. The assistance, as requested by the Company is subject to the Agency conducting a public hearing following public notice thereof as required by the Act and the adoption by the Agency of an Authorizing resolution after such public hearing has been held and minutes thereof have been made available to the members of the Agency to aid in their deliberations.

Section 4. The Scheduling of a public hearing is hereby authorized.

Section 3. The appointment as requested by the Company is further subject to compliance by the Company with all requirements of the Act as well as all other applicable provisions of State and Local Law as well as the compliance with the standards and policies of the Agency.

Section 6. Underberg & Kessler LLP as Transaction Counsel is authorized to prepare, for submission to the Agency, all documents necessary to complete all actions contemplated by the foregoing resolution.

Section 7. The Chairman, Director, Counsel to the Agency and all members of the Agency are hereby authorized and directed (i) to distribute copies of this resolution to the Company and (ii) to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.



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Section 8. This resolution shall take effect immediately.

A motion was made by Mr. Gott, seconded by Mr. Yendell to adopt the foregoing resolution. The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

	<u>YEA</u>	<u>NEA</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Philip S. Brooks	[X]	[]	[]	[]
Laura Lane	[]	[]	[X]	[]
Eric Gott	[X]	[]	[]	[]
J. Peter Yendell	[X]	[]	[]	[]
Steve Boscoe	[X]	[]	[]	[]
Robert Smith	[X]	[]	[]	[]
Gary Moore	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

A motion was made by Mr. Moore to recess this meeting at 9:46 am. Seconded by Mr. Boscoe. All in favor. Carried.

A motion was made by Mr. Gott to reopen this meeting at 10:45 am. Seconded by Mr. Smith. All in favor. Carried.

Executive Session

Mr. Bacon requested an executive session to discuss proposed, pending or current litigations

A motion was made by Mr. Yendell to enter into executive session under Public Officers Law; article 7 Open Meeting Law at 10:50 AM, seconded by Mr. Moore. All in favor. Carried. Members and staff remained.

A motion was made by Mr. Moore to come out of executive session under Public Officers Law; article 7 Open Meeting Law at 10:56 AM, seconded by Mr. Boscoe. All in favor. Carried.

A motion was made by Mr. Gott to proceed with the current law suit settlement by Dom Genova with expansion of the pond not to exceed \$15,000. Seconded by Mr. Moore. All in favor. Carried.

OTHER BUSINESS

Monthly Status Report

Mr. Bacon advised that there has not been much activity with Flaum Management for the marketing at Exit 4. There is currently a water line but no sewer. The sale of the property would help fund the sewer infrastructure.

The owner of Bristol ID Technologies property is looking to transition the property to a new owner.

Coast Professionals will be expanding their current space, creating a significant increase in jobs.

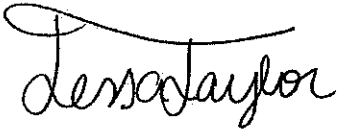
WNY Cheese Enterprise closed on Monday, and will be breaking ground in the near future.



ADJOURNMENT

With no further business to discuss, a motion was made by Mr. Smith, to adjourn the meeting at 10:57 AM, seconded by Mr. Boscoe. Carried.

Respectfully submitted,



Tessa Taylor
Senior Account Clerk/Typist

