

LIVINGSTON COUNTY DEVELOPMENT

ECONOMIC • INDUSTRIAL • COMMUNITY

Approved by



MINUTES
LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY
ANNUAL MEETING
Friday, March 6, 2015
Livingston County Government Center, Room 205
Geneseo, NY

Members Attending: W. Bacon, S. Boscoe, E. Gott, G. Moore, R. Smith and P. Yendell

Members Excused: P. Brooks

Staff Attending: J. Coniglio, Esq., C. Baker-Scott, J. Marshall, M. Wheeler and T. Donegan

Guests Attending: K. Beach, CPA and A. Wood, CPA from EFP Rotenberg and L. Swedrock from BME Associates

Annual Meeting

Mr. Bacon called the Annual Meeting of the Livingston County Industrial Development Agency to order at 9 AM and welcomed Kristie Beach, and Amanda Wood, CPA from EFP Rotenberg.

Audit & Finance Committee

Mr. Bacon called the Audit & Finance Committee meeting to order as a Committee of the Whole.

Ms. Beach and Ms. Wood presented the review of the 2014 Financial Statements. Ms. Beach reviewed the required communication letters, income statement and balance sheet.

The Management Letter is a report on internal controls and states that there are no material weaknesses or significant deficiencies. There were no difficulties encountered when performing audit and there were no disagreements with management during audit.

There are still open items related to PARIS reporting. All will be completed by the March 31, 2015 reporting deadline.

EFP Rotenberg will be issuing unmodified (clean) opinion which is the highest opinion that can be given. Ms. Beach stated that the IDA is a well run organization operating the way that it should in a highly regulated environment. The control systems in place are good. Ms. Beach stated that the internal team does a great job and that the information presented to board is accurate enabling the board to make accurate financial decisions.



Members reviewed the Compensation, Reimbursement and Attendance Policy, Investment Policy, Procurement Policy, and Disposition of Property Policy.

A motion was made by Mr. Yendell, to adopt the policies with no changes, seconded by Mr. Boscoe. All in favor. Carried.

A motion was made by Mr. Yendell, seconded by Mr. Moore to accept the Audit Report and recommend approval of the Report. All in favor. Carried.

With no further business to discuss, a motion was made by Mr. Yendell to adjourn the Audit & Finance Committee meeting at 9:12 AM, seconded by Mr. Gott. All in favor. Carried.

Governance Committee

Mr. Bacon called the Governance Committee meeting to order as a Committee of the Whole.

Members reviewed the By-laws, Code of Ethics, Defense and Indemnification, Fee Policy, Travel Policy, Uniform Tax Exemption Policy, and the Whistleblower Policy.

A motion was made by Mr. Gott, to adopt policies with no changes, seconded by Mr. Moore. All in favor. Carried

The members completed the Assessment of Committee Operations.

With no further business to discuss, a motion was made by Mr. Yendell to adjourn the Governance Committee meeting at 9:35 AM, seconded by Mr. Gott. All in favor. Carried.

Annual Meeting

A list of current officers and designations of the Agency was reviewed.

2015 PROPOSED ROSTER

Livingston County Industrial Development Agency

Board of Directors

Chairman

Philip Brooks

Vice Chairman

William Bacon

Members

Eric Gott
Gary Moore
J. Peter Yendell

Treasurer

Steven Boscoe

Secretary

Robert Smith

Board Committees

Governance

Steven Boscoe
Philip Brooks
Eric Gott
Gary Moore

Audit & Finance

William Bacon
Terrance Donegan
Robert Smith
J.Peter Yendell



Livingston County Industrial Development Agency
6 Court Street, Room 306, Geneseo, New York 14454
585-243-7124 | info@LivingstonCountyDevelopment.com

Other Board Appointments

Public Information Officer

Julie A. Marshall

Independent Auditor

EFP Rotenberg, LLP

Procurement Officer

Julie A. Marshall

Official Newspapers

Genesee Country Express
Livingston County News

Staff

Executive Director

Julie A. Marshall

Deputy Executive Director

Carolyn Baker-Scott

Chief Financial Officer

Terrence Donegan

Legal Counsel

Counsel

James Coniglio, ESQ
Underberg & Kessler, LLP

Alternate Counsel

William F. Weir, ESQ
Nixon Peabody

Official Funds Depositories

Community Bank N.A.

Five Star Bank

Steuben Trust Company

A motion was made by Mr. Yendell, to adopt the foregoing officers and designations, seconded by Mr. Gott. All in Favor. Adopted.

Ms. Marshall recommended that BME Associates be appointed as the Agency Consulting Engineer.

A motion was made by Mr. Smith, to appoint BME Associates as the Agency Consulting Engineer, seconded by Mr. Gott. All in Favor. Adopted.

A motion was made by Mr. Gott, to accept the 2014 Annual Financial Audit Report, seconded by Mr. Yendell. All in Favor. Carried.

Mr. Bacon thanked Ms. Beach and Ms. Wood and the team at EFP Rotenberg for their work. Ms. Wood and Ms. Wood departed at 9:45 AM.

Mr. Donegan departed at 9:45 AM.

APPROVAL OF MINUTES

A motion was made by Mr. Yendell to approve the February 6, 2015 Meeting Minutes, seconded by Mr. Smith. All in favor. Carried.



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TREASURER'S REPORT

Ms. Marshall reviewed this for the Agency.

A motion was made by Mr. Boscoe, seconded by Mr. Gott,, to accept the Treasurer's Report for the period ending February 28, 2015. Carried.

COMMUNICATIONS & CORRESPONDENCE

Ms. Marshall serves on the Livingston County Job Fair Steering Committee. The Committee has requested that the IDA sponsor the 2015 Job Fair. The annual job fair is expected to draw more than 30 employers and over 300 job seekers.

A motion was made by Mr. Gott, to provide a \$1000 sponsorship for the 2015 Livingston County Job Fair, seconded by Mr. Moore. All in favor. Carried.

Ms. Marshall reported that March 23, 2015 is Development Disabilities Awareness Day. The ARC of Livingston-Wyoming will hold an open house and tour of Agency sites including Hilltop Industries, the Senior Day Program, Geneseo Residential Home and the KidStart Facility. Agency members are invited to attend.

Ms. Marshall read a letter from Senator John DeFrancisco thanking the agency for its recent correspondence regarding Governor Cuomo's budget proposal (Part W of the Revenue Bill) which would add new requirements and restrictions affecting Industrial Development Agencies and local economic development

Ms. Marshall reported that the New York State Development Council has requested continued efforts to defeat Part W of the Governor's 2015 Budget Proposal which would require additional approvals for IDA projects, shifting local project decision making from local governments to the state, delaying the economic development process by requiring additional approvals by Empire State Development and the Department of Taxation & Finance, adding uncertainty to businesses as to tax benefits they could receive for investing in out communities, harming local economic development efforts.

Ms. Marshall reminded members to submit their Annual Statement of Financial Disclosure by the May 15th deadline.

Ms. Marshall reported that the New York State Economic Development Council 2015 Annual Meeting will take place May 20 – 22, 2015 in Cooperstown. Members that are interested in attending should let Ms. Marshall know no later than April 15, 2015.

OLD BUSINESS

Ms. Baker-Scott introduced Dan Foley, a student intern from SUNY Geneseo that worked in the Economic Development Office during the 2014 summer. Dan completed an inventory of sites and buildings in the county for commercial and industrial development. He explained his work plan including how the inventory was developed. Dan also noted the skills that he acquired while working in the economic development office and thanked the staff for their guidance. Members thanked Dan for his work.

NEW BUSINESS

Ratify Agreement with BME Associates for Construction Management Services

Ms. Marshall presented the proposed agreement between the Agency and BME Associates for construction management services associated with the extension and construction of Tec Drive. The agreement has been



reviewed by Counsel.

A motion was made by Mr. Moore to enter into an agreement with BME Associates for construction management services in an amount not to exceed \$36,500, seconded by Mr. Smith. All in favor. Adopted.

Authorization to Accept NYS DOT Award and Enter into Subrecipient Agreement with American Rock Salt

Ms. Marshall stated that the Agency previously authorized the submission of a grant application to the NYS DOT to assist American Rock Salt extend the rail line at their Town of Groveland facility. NYS DOT has awarded the Agency a \$200,000 grant. Authorization for accept the award and enter into a subrecipient agreement with American Rock Salt is required for the project to move forward.

A motion was made by Mr. Smith to accept the grant award in the amount of \$200,000 from NYS DOT and enter into a subrecipient agreement with American Rock Salt, subject to Counsel review, seconded by Mr. Boscoe. All in favor. Adopted.

Authorization to Enter into Subrecipient Agreement with the Rochester & Southern Railroad

Ms. Marshall stated that in 2010 the Agency received a \$150,000 grant award from the NYS DOT to assist the Rochester & Southern Railroad to repair the rail line extending from Mt. Morris to Dansville. Ms. Marshall has successfully secured a no cost extension from NYS DOT to enable the project to move forward. Ms. Marshall has met with representatives from the Railroad and DOT to discuss the terms and conditions of the grant award. Authorization to enter into a subrecipient agreement with the Rochester & Southern Railroad is required for the project to move forward.

A motion was made by Mr. Yendell to enter into a subrecipient agreement with the Rochester Southern Railroad, subject to Counsel review, seconded by Mr. Boscoe. All in favor. Adopted.

A motion was made by Mr. Yendell, seconded by Mr. Moore to recess the meeting at 10:05 AM.

A motion was made by Mr. Moore, seconded by Mr. Gott to reconvene the meeting at 11:20 AM

PROJECT UPDATES

Ms. Marshall reported that she received a call from Coast Professional stating that they are canceling the planned expansion at their Geneseo facility. The Company was recently advised by the US Department of Education that Coast's private collection agency contract currently in effect with the Department of Education will be phased out and not renewed. Coast will be laying off up to 172 employees at their Geneseo location. Mr. Coniglio will review the Agency Agreement and PILOT Agreement.

Mr. Smith departed at 11:20 AM

A motion was made by Mr. Moore to enter into executive session under Public Officers Law; article 7 Open Meeting Law to discuss a potential real estate transaction at 11:20 AM, seconded by Mr. Yendell. All in favor. Carried. All present remained.

A motion was made by Mr. Yendell to reconvene the meeting at 11:40 AM, seconded by Mr. Moore. All in favor. Carried.



REPORT OF EXECUTIVE SESSION

The Livingston County Industrial Development Agency having met in executive session hereby reports as follows: the board took no action.

ADJOURNMENT

With no further business to discuss, a motion was made by Mr. Gott, to adjourn the meeting at 11:40 AM, seconded by Mr. Yendell. All in favor. Carried.

Respectfully submitted,

Julie A. Marshall

Julie A. Marshall
Executive Director





Amy L. Mann

Livingston County Government Center
6 Court Street - Room 203
Geneseo, New York 14454
(585) 243-7050 Fax: (585) 243-7597

Livingston County Treasurer Receipt

Treasurer's Office Use Only		
CASH	CHECK	OTHER
	\$ 1,505.73	

DATE PAID: 04/29/2015

Bank Date: 04/30/2015



Received From: UPSTATE PROPERTIES LLC
FOR: TAXES DUE TAX MAP NUMBER 37.-1-35.111
LOCATED IN THE TOWN OF LIMA

THE SUM OF \$***1,505.73****

Year	Original Tax Amount	Total Amount Paid	Assessed Owner
2014	1244.98	1505.73	LIVINGSTON COUNTY IDA

special district charges - not part of settlement

Receipt Number: 0376543

Amy L. Mann
Livingston County Treasurer

BY: *AM*