



Livingston County Economic Development
Livingston County Government Center
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Approved by *Taura Jan*

MINUTES
LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY
Friday, October 5, 2018

Livingston County Government Center, Room 205
Geneseo, NY 14454

Members Attending: P. Brooks; G. Moore; R. Smith; L. Lane; K. Northrup; G. Raymond; D. Knapp

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

Chairman Brooks welcomed members and guests and called the meeting to order 9:57 am.

APPROVAL OF MEETING MINUTES

A motion was made by Mr. Smith to approve the minutes of the September 7, 2018 meeting. Seconded by Mr. Knapp, all in favor, carried.

TREASURER'S REPORT

Financial Statements

Mr. Bacon reviewed the Profit and Loss Statement and Balance Sheet for the periods ending September 29, 2018.

A motion was made by Mr. Moore to accept the financial reports as presented. Seconded by Ms. Northrop, all in favor, carried.

2019 Budget

Mr. Bacon reviewed the proposed 2019 Livingston County Industrial Development Agency budget. The budget will be filed with the New York State Authority Budget Office.

A motion was made by Mr. Raymond to approve the 2019 proposed Livingston County Industrial Development Agency budget as presented. Seconded by Mr. Smith, all in favor, adopted.

NEW BUSINESS

Quote for Plowing Interstate Drive

Mr. Bacon presented the quote from the Town of Avon for the plowing and salting of Interstate Drive in the James. M. Steele Commerce Park, from October 15, 2018 – April 15, 2019.

A motion was made by Mr. Moore to approve the quote in the amount of \$900.00 for the Town of Avon to

plow and salt Interstate Drive. Seconded by Mr. Smith, all in favor, carried.

Inducement Resolution: Livingston County Poor House

Mr. Bacon reviewed the resolution:

RESOLUTION OF THE LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TOWARD ACCEPTING THE APPLICATION OF KINGS HARBOR VIEW ASSOCIATES LIMITED PARTNERSHIP, A NEW YORK LIMITED PARTNERSHIP, AUTHORIZING THE SCHEDULING AND CONDUCTING OF A PUBLIC HEARING, AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE FACILITY.

WHEREAS, Kings Harbor View Associates Limited Partnership, a New York limited partnership (the "**Company**") on behalf of itself and/or the principals of Kings Harbor View Associates Limited Partnership has applied to the Livingston County Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the acquisition of a leasehold interest in an approximately 7.62 acre parcel of land located at 4546-4570 Millennium Drive, in the Village of Geneseo, Livingston County, New York (more particularly described as Tax Parcel No. 81.10-1-4.1 (the "**Land**"), and the renovation, remediation, construction and equipping of an approximately 12,960 square foot building located thereon (the "**Improvements**"), and the acquisition and installation of certain equipment and personal property (the "**Equipment**"), (the Equipment together with the Land and the Improvements hereinafter described as the "**Facility**"), all to be leased by the Agency to the Company for use by the Company as a Mixed Use, Office, Manufacturing and Retail Building (the "**Project**") 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 Facility from the Company and will lease the Facility back to the Company, 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 if the Project is approved it will provide financial assistance to the Company, consistent with the policies of the Agency, in the form of exemptions from sales and use taxes and an abatement of real property taxes on the increased assessment resulting from improvements to the Facility, which deviates from the Agency's Uniform Tax Exemption Policy ("**UTE**P") 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, as proposed the Facility constitutes a "Project" as defined by Section 854 (4) of the General Municipal Law; and

WHEREAS, prior to the final approval of the Facility as a Project, 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, the Company has requested a deviation from the Agency's UTEP in that the Company seeks a fifteen (15) year abatement of Real Property Taxes; 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 existing Improvements have been vacant and in disrepair for a substantial number of years and the Project, if approved, would be in furtherance of the Agency's Adaptive Reuse Policy, as described in the Agency's UTEP; 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 either an inducement to the Company to locate the Facility in Livingston County or is necessary to maintain the competitive position of the Company in its industry; 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 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 final approval of the Facility as a Project 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.

Section 8. This resolution shall take effect immediately.

A motion was made by Mr. Moore to adopt the foregoing resolution, seconded by Mr. Smith. The question of the adoption of the foregoing resolution was duly put to a role call which resulted as follows:

	<u>YEA</u>	<u>NEA</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Philip S. Brooks	[X]	[]	[]	[]
Laura Lane	[X]	[]	[]	[]
G. Raymond	[X]	[]	[]	[]
K. Northrup	[X]	[]	[]	[]
Robert Smith	[X]	[]	[]	[]
Gary Moore	[X]	[]	[]	[]
Dwight Knapp	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

EXECUTIVE SESSION

A motion was made by Mr. Smith to enter into executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 to discuss: the proposed acquisition, sale or lease of real property at 10:28 am, seconded by Ms. Northrop. Members, staff and counsel remained.

A motion was made by Mr. Smith to come out of executive session at 10:46 am. Seconded by Mr. Knapp, 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.

OTHER BUSINESS

Director's Comments

Mr. Bacon reviewed the agency's current work plan, outlining current projects and priorities.

ADJOURNMENT

With no further business to discuss, a motion was made by Mr. Moore to adjourn the meeting at 10:54 am, seconded by Mr. Smith. All in favor, carried.

Respectfully submitted,



Tessa Taylor

Economic Development Assistant
