

BATAVIA DEVELOPMENT CORPORATION (BDC)
Meeting Minutes August 22, 2018

Attendance

BDC Attendees: Pier Cipollone, Mary Valle, Wesley Bedford, Nate Varland, Rebecca Cohen, Matt Worth, Chris Fix and Rachael Tabelski (Director of Economic Development)

Excused: Steve Pies, Peter Casey, Lori Aratari

Guest/Media: Jim Krencik, The Batavia Daily News

Call to Order

At 7:34 a.m. Pier Cipollone, President of the BDC, called the meeting to order in the Community Room, 2nd floor of City Hall.

Enter Executive Session

C. Fix made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 7:35 a.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 M. Valle and approved by all members present.

Enter Public Session

N. Varland made a motion to enter back into public session at 8:00 a.m., seconded by W. Bedford and approved by all members present.

Chairman's Report:

P. Cipollone announced that the next meeting of the BDC is scheduled for; **September 26th, 2018 at 7:30 a.m. at City Hall.** R. Tabelski asked the board to consider moving the meetings to 8:30 a.m. the majority of the board members present did not seem to have an issue with the time change. An email will go out to the entire board making sure the change will work for a majority of board members.

P. Cipollone presented the meeting minutes from the previous meeting and C. Fix made a motion to approve July 25, 2018 meeting minutes as presented; seconded by M. Valle and approved by all members present.

Committee Reports:

Governance:

ABO Training- P. Cipollone announced that ABO training is required for Chris Fix, Nate Varland, and Matt Worth. Board members can sign up on the ABO website for training. <https://www.abo.ny.gov/training/onlinetraining.html> L. Aratari and R. Tabelski completed the training in August and Rebecca was signed up to complete her training today August 22, 2018.

Governance Meeting Topics- P. Cipollone said that R. Tabelski was working on calling a Governance meeting for mid-September to review the following items:

1. Committee Charters (governance and audit and finance)
2. 501c3 organizational status
3. BDC Loan policy update
4. Loan review check list update
5. PTO policy
6. Master schedule of policy reviews and reports for director and board

Audit and Finance:

Financial Statements- The August 2018 financial statements were reviewed with the board, and a brief overview was given. R. Tabelski reported that no significant events occurred since July 9, 2018 when she started as the Director for the BDC. M. Worth made a motion to approve financial statements; seconded by M. Valle and approved by all members present.

Real Estate:

Extension of Payment of Notes for Ellicott Station Sole Member Agreement- P. Cipollone and R. Tabelski discussed the Ellicott Station project. As the project continues to move toward a final financial close R. Tabelski asked the board to approve an extension of the payment of notes for the Membership Purchase Agreement. to October 31, 2018.

RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A MEMBERSHIP INTEREST PURCHASE AGREEMENT AND RELATED AGREEMENTS BY AND BETWEEN THE SOLE MEMBER – BATAVIA DEVELOPMENT CORPORATION, AND ELLICOTT STATION DEVELOPMENT LLC (THE “BUYER”) TO CONVEY THE BDC’S MEMBERSHIP INTEREST IN ELLICOTT STATION LLC TO THE BUYER

C. Fix made a motion to extend the payment of notes until October 31, 2018; seconded by N. Varland and approved by all members present.

Creek Park Master Planning- M. Worth reported to the board that he was working to assign the \$15,000 for the Phase II environmental work at the Creek Park site in the planning for the 2019-20 budget. R. Tabelski reported that it would be a good time to move forward with the Phase II Environmental Review concurrently while the City undertakes the Market Feasibility Study for hockey. The City applied for a CFA to conduct this study and the winners are typically announced in December.

Creek Park- Potential Next Steps for Site Development:

1. Set up bank accounts and signers for Creek Park Batavia LLC.
2. Transfer the previously approved \$25K into the new Creek Park LLC. bank accounts and reimburse the BDC for legal fees.
3. If the CFA grant is awarded the City will conduct a Market Feasibility Study for recreation on the Creek Park Site.
4. Phase II environmental review on site (excluding the Ellicott Trail).
5. Consolidate development ready land into the Creek Park Batavia LLC. to form a campus.
6. Develop and issue an RFP to developers based on the Brownfield Opportunity Area (BOA) recommendations, environmental Phase II, and the Recreation Feasibility Study.
7. Select a preferred developer for the site.

Creek Park Bank Account- The board granted authorization for R. Tabelski to work with Lisa Neary, Director of Finance for the City of Batavia to set up a new bank account for the Creek Park Batavia, LLC.

Small Business:

Fresh Lab: R. Tabelski reported that the USAD Audit of the FreshLAB restaurant incubator spaces went well. As the BDC offices are located in City Hall they are generally the most handicap accessible facility in Batavia. The Eli Fish building and FreshLAB restaurant also was found to be following handicap accessibility standards. The BDC has updated its letter head to include a Civil Rights program compliance statement and a Telecommunications Device for the Deaf (TDD) phone number. The BDC will also advertise on the BDC website for board members, and look to have an independent third-party review FreshLAB for compliance of handicap accessibility.

Old Business

None to report.

New Business

New York State Economic Development Council (NYSEDC) Membership- P. Cipollone discussed the benefits of the NYSEDC and how they helped the organization advertise for their Executive Director. At the time because the BDC was not a member the Genesee County Economic Development Center (GCEDC) has to place the ad. R. Tabelski supported joining the NYSEDC. The NYSEDC is the state’s principal organization representing economic development professionals. They represent 900 members including the leadership of Industrial Development Agencies, Local Development Corporations, commercial and investment banks, underwriters, bond counsels, utilities, chambers of commerce and private corporations. The purpose of NYSEDC is to promote the economic development of the state and its communities, encourage sound practices in the conduct of regional and statewide development programs, and to develop education programs that enhance the professional development skills of NYSEDC members.

M. Valle made a motion to approve membership; seconded by C. Fix and approved by all member present.

Batavia DRI- Building Improvement Fund- R. Tabelaiki discussed the BDC's \$600,000 DRI funding award earmarked to run a Building Improvement Fund in the Batavia Business Improvement District (BID). She relayed that New York State Homes & Community Renewal (OCR)/ (Housing Trust Fund Corporation – HTFC) will be the state contracting agency with the BDC, and the program will be set up similar to a Main Street Grant Program; however, DRI communities have more flexibility to develop the rules and guidelines for the program. The program will be overseen and administered by the BDC at the local level with coordination from OCR/ HTFC.

The BDC board reviewed the administrative program guidelines presented by R. Tabelaiki. The board discussed the funding and eligibility requirements for the program. Funding limits for the grant program were established \$10,000 minimum grant with \$200,000 maximum grant and 60% of total qualified project cost will be reimbursable. The program is designed for improvement of buildings only, and all BID building owners with commercial and mixed-use building in need of repair, will be eligible to apply.

Once the administrative plan is finalized and HTFC board approves the funding the BDC can move forward with publicizing the program. R. Tabelaiki hopes that application to apply for funding will be ready by the end of 2018.

Adjournment

C. Fix made a motion to adjourn the meeting; seconded by M. Valle and approved by all member present. The meeting stood adjourned at 9:10 a.m.