

BATAVIA DEVELOPMENT CORPORATION (BDC)
Meeting Minutes May 23, 2019

Attendance

BDC Attendees: Chris Fix, Pier Cipollone, Wesley Bedford, Nate Varland, Lori Aratari, Martin Moore, Steve Pies, Wesley Bedford, Rebecca Cohen and Rachael Tabelski (Director of Economic Development)

Excused: Jake Whiting

Guest/Media: Brian Quinn, The Batavia Daily News

Call to Order

At 8:34 a.m. P. Cipollone, President of the BDC, called the meeting to order in the Community Room, 2nd floor of City Hall.

Enter Executive Session

W. Bedford made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 8:35 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.
2. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

The motion was seconded by C. Fix and approved by all members present.

Enter Public Session

W. Bedford made a motion to enter back into public session at 9:07 a.m.; seconded by M. Moore and approved by all members present.

Chairman's Report

P. Cipollone presented the meeting minutes from the April 25, 2019 meeting. S. Pies made a motion to approve the meeting minutes as presented; seconded by R. Cohen and approved by all members present.

P. Cipollone presented the meeting minutes from the May 3, 2019 meeting. M. Moore made a motion to approve the meeting minutes as presented; seconded by L. Aratari and approved by all members present.

P. Cipollone announced that the Audit & Finance Committee would be meeting on June 19th at 8:30 a.m. to review the BDC's Audit with Freed Maxick, and the next scheduled meeting for the BDC will be held on June 27th, 2019 at City Hall at 8:30 a.m.

Committee Reports

Governance

BDC Board Self Evaluation- P. Cipollone informed the board that all evaluations are in. They will be tallied and sent to the New York State Authority Budget Office (ABO) as required by law.

Audit and Finance

Financial Statements- The April 2019 financial statements were reviewed with the board, and a brief overview was given. R. Tabelski reported that BDC revenue for the last month consisted of fees from building owners participating in the Batavia DRI- Building Improvement Fund as well as a \$20,000 grant from the City of Batavia for the setup of the Batavia Opportunity Zone Fund. The BDC has outstanding receivables due from the Ellicott Station project for the sale

of the LLC. Other revenue will be received in the next few months consisting of the City of Batavia's \$110,000 contribution and other referral fees from the Genesee County Economic Development Center (GCEDC). Expenditures in April were related to the Directors salary, insurance, and payment of professional consulting fees to InSite architecture for services related to the Batavia DRI- Building Improvement Fund grant.

C. Fix made a motion to approve the April 2019 financial statements; seconded by R. Cohen and approved by all members present.

Audit Fieldwork- R. Tabelski reported that audit field work would wrap up on May 29th. The BDC must have their yearend audit finalized up by June 30, 2019, as well as the annual agency report and ABO annual report. Section 2800 of the Public Authorities Law and Sections 30 and 859 of the General Municipal Law require Public Authorities to file an Annual Report that includes information on their operations, finances, indebtedness, compensation and benefits, property transactions, internal controls and other management activities, policies and governance practices.

Real Estate/ BOA

Batavia DRI- Building Improvement Fund- Eight projects have committed to moving forward with the grant program. R. Tabelski held kick-off meetings on May 1, 2019 with Rick Hauser and James Reynolds from InSite Architecture. The projects are in varying stages of historical and environmental review and refining their scopes of work. The scope of work for each project may be changed to reflect historical or environmental considerations and final estimated budgets. Grantees must maintain the elements of the project that netted a top score, such as apartments, façade and impactful improvements. Each final scope of work and supporting documents will be sent to the NYS Office of Community Renewal (OCR) for review and approval over the next few months. After OCR approves the project the BDC enter into a project grant agreement with each building owner and construction can proceed.

Harvester Theater 56 DRI Project Update- On May 22, 2019 the Batavia Players, sponsor of the Harvester Theater 56 DRI project, received 14 proposals from their design and engineering Request for Proposal (RFP). The RFP sought professional design, architect, engineering, bidding and construction administration services from firms across New York State. They have commissioned a team to review and score the proposals and interview the top consulting firms before making a final selection. The BDCs interest only, state-grant backed, construction loan will close on May 30th and will help advance the project design and construction.

Creek Park Hockey/ Recreation Market Feasibility Study- An RFP for a hockey and recreation market feasibility study was released by the City of Batavia on Friday March 22nd and the City choose Convention Sports and Leisure (CS&L) to conduct the Feasibility Study for a Multi-Sport Complex. M. Moore commented that as this study moves forward, and if there is demand to renovate/build a multi-sports complex, the conceptual site plans and renderings will inform the City of what specific City owned parcels of land will require Phase II Environmental testing.

BOA pre-development CFA grant- R. Tabelski said she and M. Moore are looking into a funding opportunity in the 2019 Consolidated Funding Application (CFA) for a pre-development grant that could be used at designated BOA sites. Services such as environmental investigation, legal real estate services fees associated with land assembly, design and engineering services or infrastructure and buildings, building condition studies, public engagement and marketing funds. In the final BOA plan issued by the City, a list of "next steps" was identified to re-develop the sites and many of these services can be grant funding under this new program.

Small Business

Eat Well Grill received over 17,800 views on the FreshLAB Batavia Facebook page when the BDC announced they would be opening inside FreshLAB at Eli Fish. This is an incredible amount of organic activity on Face Book and the most viewed story the BDC has ever issued on Face Book. Eat Well Grill is planning a grand opening for July 1, 2019. The BDCs \$25,000 loan should close in the first part of June to allow them to get started.

Old Business

BDC Organizational Status – R. Tabela updated the board that the BDC By-laws are still under review by Bob Murray of Harris Beach to change organizational status from a 501c(4) to a 501c(3) to better reflect the organizations purpose.

New Business

Economic Development Services Agreement- Renewal- The BDC board reviewed, and accepted the Economic Development Services Agreement Renewal contract from the City of Batavia. The Renewal Agreement engages the BDC to provide economic development services, as set forth in the Economic Development Services Agreement dated may 19, 2011, for the City of Batavia. The term of the renewal run April 1, 2019 till March 31, 2020. The City shall provide the BDC \$110,000 to support and carry out economic development activities included in this agreement.

C. Fix made a motion to approve the Economic Development Services Agreement Renewal Contract and authorized Pier Cipollone to sign; seconded by L. Aratari and approved by all members present.

Adjournment

W. Bedford made a motion to adjourn the meeting; seconded by S. Pies and approved by all member present. The meeting stood adjourned at 9:38 a.m.