

FINGER LAKES ECONOMIC DEVELOPMENT CENTER  
1 Keuka Business Park, Suite 100  
Penn Yan, NY 14527  
Telephone: 315-536-7328

**MINUTES OF THE REGULAR BOARD MEETING OF THE FINGER LAKES ECONOMIC DEVELOPMENT CENTER**

September 20, 2023

FLEDC MEMBERS PRESENT: Ryan Hallings  
Dr. Tim Cutler  
Sirene Garcia  
Dr. Kim Pinkey  
Mary Anne Rogers

FLEDC MEMBERS EXCUSED: Janice Gaub

FLEDC MEMBERS ABSENT: Amy Storey

FLEDC LEGAL COUNSEL via ZOOM: Russ Gaenzle, Harris Beach, PLLC

FLEDC STAFF: Steve Griffin  
Mike Lipari  
Doreen Jensen

GUESTS: Steve Maier, Harris Beach, PLLC  
Jim Moon

Chair R. Hallings called the meeting to order at 8:43 A.M. immediately following the Finger Lakes Horizon EDC's adjournment.

Roll call was taken, a quorum was present. R. Hallings introduced guests.

*A motion was made by Dr. K. Pinkey and seconded by M. A. Rogers to go into Executive Session at 8:43 A.M. to discuss the proposed sale of real property and employment history of a particular person. Motion passed.*

*A motion was made by Dr. T. Cutler and seconded by Dr. K. Pinkey to come out of Executive Session at 9:02 A.M. Motion passed.*

There was no action taken in Executive Session.

**MINUTES**

*A motion was made by Dr. T. Cutler and seconded by Dr. K. Pinkey to approve the August 16, 2023 minutes as written. Motion passed.*

**AGENDA CHANGES**

Please table pending loan.

## FINANCE COMMITTEE

D. Jensen reviewed all the bills to be paid, the total bills to be paid today is \$71,043.13 and consists of Check #6325-6352, e137-e140 from the checking account and check #101 for \$20,000 from the Money Market account. The 2024 budget was reviewed. ***A motion was made by Dr. T. Cutler and seconded by M. A. Rogers to pay all bills submitted totaling \$71,043.13, from the checking account and \$20,000 from the Money Market account. with the check numbers presented. Motion passed.***

## STATUS REPORT

D. Jensen reported no updates unless there are questions?

S. Griffin reported no updates unless there are questions?

M. Lipari reported the community table dinner went well considering it was not held on the Main Street Bridge and had lots of great reviews.

## ACTION ITEMS

S. Griffin S. Griffin reported the CD summary was emailed out to the board. S. Griffin recommended that we invest in a 90-day CD with Bank of the Finger Lakes (Wayne Bank) at 5.20% and leave the Money Market Account at Five Star Bank. ***A motion was made by M.A. Rogers and seconded by Dr. K. Pinkey to approve the CD at Bank of the Finger Lakes (Wayne Bank) for 90 days at 5.20%. Motion passed with R. Hallings abstaining.***

S. Griffin reported Frost Wines is expanding their facility by extending the press pad, renovating their current facility and extending their warehouse and storage. Total project cost is \$1,600,000. This is a 15-year manufacturing PILOT. The estimated tax benefits are as follows; \$15,000 mortgage recording tax if utilized, \$48,000 sales tax and \$166,000 in property tax for a total of \$229,000. The project will create four (4) full time equivalents over the next three years. The total economic benefit to the community to total community benefit investment ratio is 36:1. The benefits projected are over \$100,000 triggering the need to hold a public hearing.

***The following resolution was duly offered by Dr. T. Cutler and seconded by Dr. K. Pinkey, to wit:***

***Resolution No. 09/2023 - \_\_\_\_\_***

***RESOLUTION OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF FROST WINES, LLC, FOR ITSELF AND/OR ON BEHALF OF AN ENTITY OR ENTITIES TO BE FORMED (COLLECTIVELY, THE "COMPANY") WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH***

***RESPECT TO THE PROJECT AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.***

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 113 of the Laws of 1975 of the State (collectively, the "Act"), the **YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, and recreational facilities as authorized by the Act, and in connection therewith to enter into straight lease transactions and provide other forms of financial assistance; and

WHEREAS, **FROST WINES, LLC**, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain real property located at 3962 NYS Route 14, Town of Starkey, Yates County, New York (the "Land", being more particularly described as tax parcel No. 100.04-1-17.1) and the existing improvements located thereon consisting principally of an approximately 8,370 square foot facility (the "Existing Improvements"); (B) the renovation of approximately 3,500 square feet of the Existing Improvements and the planning, design, construction and operation of approximately 6,000 square foot addition to the Existing Improvements comprised of additional fermentation space, tank rooms, catwalks, press pads, loading docks and flex spaces (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the Act the Agency desires to adopt a resolution describing the Project and the financial assistance that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into an Agent, Financial Assistance and Project Agreement (the "Project Agreement"), a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company; (iii) take a leasehold interest in the Land, the Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated); and (iv) provide financial assistance to the Company in the form of: (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption for financings undertaken to construct the Facility (collectively, the "Financial Assistance").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Applicant has presented the Application in a form acceptable to the Agency. Based upon the representations made by the Applicant to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Applicant to develop the Project, thereby increasing employment opportunities in Yates County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Applicant or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Applicant or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

Section 2. The Chairman, Vice Chairman or Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to hold a public hearing in compliance with the Act and negotiate (but not execute or deliver) the terms of (A) the Project Agreement, (B) the Lease Agreement, whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement, whereby the Agency conveys the Project back to the Company, (D) the Tax Agreement and (E) related documents; provided that (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with..

Section 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and

to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. These Resolutions shall take effect immediately.

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>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Ryan Hallings	[     ]	[     ]	[     ]	[ X ]
Janice Gaub	[     ]	[     ]	[ X ]	[     ]
Sirene Garcia	[ X ]	[     ]	[     ]	[     ]
Dr. Kim Pinkey	[ X ]	[     ]	[     ]	[     ]
Mary Anne Rogers	[ X ]	[     ]	[     ]	[     ]
Dr. Tim Cutler	[ X ]	[     ]	[     ]	[     ]
Amy Storey	[     ]	[     ]	[ X ]	[     ]

The Resolutions were thereupon duly adopted.

**CERTIFICATION**  
*(Frost Wines, LLC Project)*

STATE OF NEW YORK     )  
COUNTY OF YATES     ) ss.:

I, the undersigned Secretary of Yates County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of Yates County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on September 20, 2023, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of the Agency had due notice of the meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), the meeting was open to the general public and that public notice of the time and place of the meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 20th day of September, 2023.

\_\_\_\_\_  
Secretary

S. Griffin reported Canandaigua Shores/Hamilton Street Parkland Estates is proposing a 32 unit Senior housing development. Total project cost is \$8,977,985. This is a 10-year PILOT. The estimated tax benefits are as follows; \$68,500 mortgage recording tax, \$300,000 sales tax and \$458,830 in property tax for a total of \$827,330. The project will create 14 construction jobs and will address the housing needs of the community. The total economic benefit to the community to total community investment made is 11:1. The benefits projected are over \$100,000 triggering the need to hold a public hearing.

*The following resolution was duly offered by S. Garcia and seconded by Dr. K. Pinkey, to wit:*

**Resolution No. 09/2023 - \_\_\_\_\_**

**RESOLUTION OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF CANANDAIGUA SHORES LLC, FOR ITSELF AND/OR ON BEHALF OF AN ENTITY OR ENTITIES TO BE FORMED (COLLECTIVELY, THE "COMPANY") WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.**

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 113 of the Laws of 1975 of the State (collectively, the "Act"), the **YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, and recreational facilities as authorized by the Act, and in connection therewith to enter into straight lease transactions and provide other forms of financial assistance; and

WHEREAS, **CANANDAIGUA SHORES LLC**, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain real property located at Hamilton Street, Village of Penn Yan, Yates County, New York (the "Land", being more particularly described as tax parcel Nos. 49.36-1-3, 49.36-1-4, 49.36-1-5, 49.36-1-6, 49.36-1-7, 49.44-1-10, 44.44-1-11 and 49.44-1-12); (B) the planning, design, construction and operation of approximately thirty-two (32) townhome units, along with utility and site improvements, parking lots, access and egress improvements, signage, curbage, sidewalks, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment,

machinery and other tangible personal property (the "Equipment"; and, collectively with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the Act the Agency desires to adopt a resolution describing the Project and the financial assistance that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into an Agent, Financial Assistance and Project Agreement (the "Project Agreement"), a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company; (iii) take a leasehold interest in the Land, the Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated); and (iv) provide financial assistance to the Company in the form of: (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption for financings undertaken to construct the Facility (collectively, the "Financial Assistance").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Applicant has presented the Application in a form acceptable to the Agency. Based upon the representations made by the Applicant to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Applicant to develop the Project, thereby increasing employment opportunities in Yates County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Applicant or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Applicant or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is



reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

Section 2. The Chairman, Vice Chairman or Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to hold a public hearing in compliance with the Act and negotiate (but not execute or deliver) the terms of (A) the Project Agreement, (B) the Lease Agreement, whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement, whereby the Agency conveys the Project back to the Company, (D) the Tax Agreement and (E) related documents; provided that (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with..

Section 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. These Resolutions shall take effect immediately.

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>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Ryan Hallings	[ X ]	[ ]	[ ]	[ ]
Janice Gaub	[ ]	[ ]	[ X ]	[ ]
Sirene Garcia	[ X ]	[ ]	[ ]	[ ]
Dr. Kim Pinkey	[ X ]	[ ]	[ ]	[ ]
Mary Anne Rogers	[ X ]	[ ]	[ ]	[ ]
Dr. Tim Cutler	[ X ]	[ ]	[ ]	[ ]
Amy Storey	[ ]	[ ]	[ X ]	[ ]

The Resolutions were thereupon duly adopted.

**CERTIFICATION**  
*(Canandaigua Shores LLC Project)*

STATE OF NEW YORK     )  
COUNTY OF YATES     ) ss.:

I, the undersigned Secretary of Yates County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of Yates County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on September 20, 2023, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of the Agency had due notice of the meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), the meeting was open to the general public and that public notice of the time and place of the meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 20th day of September, 2023.

\_\_\_\_\_  
Secretary

M. Lipari reviewed the SandRay Properties, LLC loan. The loan was a DRI Award winner given to help Blue Heron Bakery. The total project costs came in under budget as a result the DRI Grant award was reduced by the same percentage. Ray has made a lump sum payment to his bridge loan reducing the outstanding balance to \$10,000. Ray has requested that we amortize the remaining balance with the total balance paid in full in May of 2025. The Loan Review Committee reviewed the request and has recommended the loan balance be amortized until May 2025. ***A motion was made by Dr. T. Cutler and seconded by Dr. K Pinkey to approve the loan with SandRay Properties as presented. Motion passed with R. Hallings abstaining.***

Dr. K. Pinkey left the meeting at 9:27 A.M.

S. Griffin reported Bainbridge, LLC/Miracle Ear would like to lease Suite 150 which is 192 square feet for a month-to-month lease at \$400 a month utility included. ***A motion was made by Dr. T. Cutler and seconded by S. Garica to approve the lease with Bainbridge, LLC/Miracle Ear as presented. Motion passed.***

S. Griffin reported Catholic Charities Steuben/Livingston. would like to renew their lease of Suite 130 which is 2,385 square feet for \$1,520 a month for the first year and \$1,550 for the second year. ***A motion was made by Dr. T. Cutler and seconded by S. Garcia to approve the lease with Catholic Charities Steuben/Livingston as presented. Motion passed.***

Chair R. Hallings reported the next meeting is scheduled for October 18, 2023 and we will be having all three meetings.

***A motion was made by S. Garcia and seconded by Dr. T. Cutler to adjourn the meeting at 9:33 A.M.***

Respectfully submitted,

Doreen J. Jensen