



GCEDC Board Meeting
Thursday, October 3, 2024
Location: 99 MedTech Drive, Innovation Room
4:00 PM

GCEDC MINUTES

Attendance

Board Members: K. Manne, P. Battaglia, C. Kemp, M. Clattenburg, M. Gray
Staff: M. Masse, L. Farrell, E. Finch, L. Casey, J. Krencik, C. Suozzi (Video Conference)
Guests: M. Brooks (GGLDC Board Member), G. Torrey (GGLDC Board Member), D. Cunningham (GGLDC Board Member), R. Gaenzle (Harris Beach), S. Maier (Harris Beach), M. Fitzgerald (Phillips Lytle), M. Petinella (Daily News), J. Panza (Lechase Construction), C. Malcomb (Hodgson Russ), T. Wasko (Project Rampart), L. Mckenzie (Project Rampart), M. Landers (Genesee County Manager), R. Ball (Empire State Development), R. Crossen (Town of Alabama Supervisor)
Absent: C. Yunker, P. Zelif

1.0 Call to Order

M. Gray called the meeting to order at 4:00 p.m. in the Innovation Zone.

M. Petinella (Daily News), J. Panza (Lechase Construction), C. Malcomb (Hodgson Russ), T. Wasko (Project Rampart), and L. Mckenzie (Project Rampart) left the meeting at 4:00 p.m.

1.1 Enter Executive Session

P. Battaglia made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:01 p.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. Discussions regarding proposed, pending, or current litigation.

The motion was seconded by M. Clattenburg and approved by all members present.

G. Torrey entered the meeting at 4:02 p.m.

1.2 Enter Public Session

M. Clattenburg made a motion to enter back into public session at 4:37 p.m., seconded by C. Kemp and approved by all members present.

M. Petinella (Daily News), J. Panza (Lechase Construction), C. Malcomb (Hodgson Russ), T. Wasko (Project Rampart), and L. Mckenzie (Project Rampart) returned to the meeting at 4:37 p.m.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, October 31st at 3:00 p.m.

Audit & Finance Committee Meeting: Tuesday, October 29th at 8:30 a.m.

STAMP Committee Meeting: Wednesday, October 30th at 8:00 a.m.

Employment and Compensation Meeting: Thursday, October 31st at 2:00 p.m.

M. Masse stated that the last STAMP Committee meeting was cancelled due to a quorum issue. Two of the four Committee members were not able to attend so the meeting was cancelled.

R. Gaenzle stated that there will be an agenda addition. R. Gaenzle established expectations for this anticipated addition, stating that the Board is not following a question-and-answer format.

2.2 Agenda Additions / Deletions / Other Business –

P. Battaglia made a motion to add agenda item 2.4 as a presentation by Project Rampart; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was added to the agenda.

2.3 Minutes: September 5, 2024 –

M. Clattenburg made a motion to accept the September 5, 2024, minutes as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

2.4 Presentation: Project Rampart – T. Wasko from Project Rampart attended the meeting to speak about the project proposal. T. Wasko works for a site selection company called PRP. PRP was founded in 2005 and has developed over \$6 Billion in asset value in 19 markets. PRP has experience working with companies like Volkswagen, EV Automaker, Rivian, etc. PRP is interested in the STAMP location to build a data center as they have seen the capital demand for AI- specific data centers as well as public cloud usage. PRP specifically wants to construct a 200MW data center for a hyperscale user on a 100 acre site. This could go up to 400MW with the potential of buying out Plug Power and finishing the construction of the substation. T. Wasko also cited some economic benefits that could be realized at STAMP based on a

data center project that PRP is currently working on Northern Virginia, which an equivalent project would generate \$28.4M annually in Genesee County tax revenue, 105 jobs, and \$338M in economic output during the construction phase. T. Wasko stated that data centers serve as a catalyst for future economic growth with a significant upside in tertiary markets. Some of the building specifications include: 100-acre site, three buildings that are 250,000 square foot per single story building, with equipment yards. 800,000 gallons per day are required for the evap cooling system but could be significantly less if final specifications call for a closed-loop cooling system.

P. Battaglia made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 5:02 p.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. Clattenburg and approved by all members present.

M. Petinella (Daily News), J. Panza (Lechase Construction), C. Malcomb (Hodgson Russ), T. Wasko (Project Rampart), and L. Mckenzie (Project Rampart) left the meeting at 5:02 p.m.

M. Clattenburg made a motion to enter back into public session at 5:27 p.m., seconded by P. Battaglia and approved by all members present.

M. Petinella (Daily News), J. Panza (Lechase Construction), C. Malcomb (Hodgson Russ), T. Wasko (Project Rampart), and L. Mckenzie (Project Rampart) returned to the meeting at 5:28 p.m.

3.0 Report of Management

3.1 Rochester Davis Fetch – Final Resolution – 9 Lent Avenue, LLC (Rochester Davis Fetch Corp.) is proposing to expand its operations with the purchase and renovation of an existing facility at 9 Lent Avenue in the village of LeRoy.

The \$3.8 million project will include installation of a new roof on the 32,500 sq. ft. building and renovation to the interior of the building. Rochester Davis Fetch Corp. will operate multiple construction divisions at the facility.

The project proposes creating 4 new full-time equivalent (FTE) positions.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$77,600 and a property tax abatement estimated at \$267,725 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

3.1a UTEP - See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP) attached to the minutes for additional Project details and Board approvals. The Board concurred with the UTEP.

3.1b Final Resolution –

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON OCTOBER 1, 2024, WITH RESPECT TO THE ROCHESTER DAVIS-FETCH CORP. (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING 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 AND (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to accept Final Resolution #10/2024-01 authorizing the incentives as presented; the motion was seconded by M. Clattenburg:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

C. Yunker - Absent
P. Zeliff - Absent
M. Gray - Yes

The item was approved as presented.

3.2 Batavia Solar Assignment Authorizing Resolution – Batavia Solar/YSG Community Solar LLC advised the Agency that the legal description on the land has changed because the project is smaller than originally planned. Batavia Solar has requested that the project documents are amended to account for the change in the legal description of the land. This resolution authorizes the changes in the legal description.

Resolution No. 10/2024 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING THE AMENDMENT OF THE LEASE AGREEMENT AND LEASEBACK AGREEMENT (TOGETHER WITH ANY OTHER RELATED DOCUMENTS) BY MODIFYING THE LEGAL DESCRIPTION CONSTITUTING THE LEASED PREMISES, AND TO EXECUTE AND DELIVER RELATED DOCUMENTS.

P. Battaglia made a motion to accept the Batavia Solar Assignment Authorizing Resolution #10/2024-02 authorizing the changes to the legal description; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia - Yes
K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

C. Yunker - Absent
P. Zeliff - Absent
M. Gray - Yes

The item was approved as presented.

3.3 Hecate Energy Cider Solar Authorizing Resolution – At the Board Meeting held on September 19, 2024, the Board approved to increase the mortgage tax exemption from \$5.5 million to \$9 million due to the increase in the total capital investment amount from \$550 million to \$900 million.

Immediately following the meeting, the company requested to hold public hearings for the increase in the incentives being requested. These public hearings were held in Town of Oakfield and Town of Elba on October 3, 2024. There were no public comments to include with the written record.

Resolution No. 10/2024 - 03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON OCTOBER 3, 2024, WITH RESPECT TO THE HECATE ENERGY CIDER SOLAR LLC (THE "COMPANY") PROJECT (THE "PROJECT").

P. Battaglia made a motion to accept the Authorizing Resolution #10/2024-03, acknowledging the public hearings held on October 3, 2024; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

3.4 GLOW with Your Hands – J. Krencik presented the results from the GLOW With Your Hands event held last week. This will have been the 5th year holding this event and recorded the largest number for vendor participation. Manufacturers have been very involved including Graham, Liberty Pumps, National Grid, etc. The GV BOCES classes have also helped with the events this year, discussing their learning experiences of previous years. There was a tremendous turnout of students and vendors. Since 2019 there have been 5,000 students that have collectively attended the event, which has positively impacted BOCES classes and engaged kids in welding, CNC, and manufacturing careers.

4.0 Audit & Finance Committee

4.1 Nothing at this time.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zelif

6.1 Access Agreement for Project Hydroscale – Phillips Lytle has prepared for the GCEDC an Access License Agreement to allow Project Hydroscale and their agents to enable their due diligence on GCEDC owned property for their proposed facility until that work is complete or a Purchase and Sale Agreement is

executed. Any contractors would be required to sign indemnity agreements, provide proof of insurance and list the GCEDC as an additional insured on their policy with the applicable coverage limits as set forth by the GCEDC.

Fund Commitment: None.

Board Action Request: Approval of Access License Agreement.

P. Battaglia made a motion to approve the Access Agreement for Project Hydroscale as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	yes
C. Kemp -	Yes		

The item was approved as presented.

Representatives of Project Rampart asked questions and made comments after the Board approved agenda item 6.1. M. Fitzgerald and R. Gaenzle reiterated that all comments and questions will need to filter through GCEDC's legal counsel.

6.2 SEQR Lead Agency Resolution – Included in the meeting materials is the SEQR Lead Agency Resolution. The GCEDC must send letters indicating intent to maintain lead agency status regarding Project Hydroscale to all interested and involved parties. This starts the 30-day time in which interested and involved agencies have an opportunity to respond. As lead agency the GCEDC is required to evaluate whether there are adverse environmental impacts that could occur because of Project Hydroscale and the additional and/or modified infrastructure that have not been previously evaluated in the STAMP environmental record.

Resolution No. 10/2024-04

RESOLUTION DECLARING THE INTENT OF THE GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER TO ACT AS LEAD AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

P. Battaglia made a motion to approve the SEQR Lead Agency Resolution as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

6.3 Drainage Easement Agreement for Edwards Vacuum – Phillips Lytle has prepared for the GCEDC a Drainage Easement that Edwards requires, and GCEDC would grant a permanent easement for (i)

construction and maintenance of a stormwater drainage system, (ii) permitting the drainage and/or flow of stormwater and surface water runoff discharging from the Edwards Property, and (iii) ingress and egress to perform the foregoing activities over and through a portion of the GCEDC Property.

Fund Commitment: None.

Board Action Request: Approval of Drainage Easement.

M. Clattenburg made a motion to approve the Drainage Easement Agreement with Edwards Vacuum as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

7.0 Employment & Compensation – M. Gray

7.1 Nothing at this time

8.0 Housing Committee – P. Battaglia

8.1 Nothing at this time

9.0 Other Business

9.1 Nothing at this time.

10.0 Adjournment

As there was no further business, P. Battaglia made a motion to adjourn at 5:38 p.m., which was seconded by K. Manne and passed unanimously.