



**GCEDC Board Meeting
Thursday, July 10, 2025
Location: 99 MedTech Drive, Innovation Room
4:00 PM**

GCEDC MINUTES

Attendance

Board Members: M. Clattenburg, C. Kemp, P. Battaglia, *P. Zelif (Video Conference), C. Yunker
Staff: M. Masse, L. Farrell, K. Galdun, C. Suozzi, P. Kennett, J. Krencik
Guests: M. Brooks (GGLDC Board Member), M. Pettinella (Daily News), R. Gaenzle (Harris Beach- Video Conference), J. Loewke (Loewke Brill – Video Conference), K. Loewke (Loewke Brill - Video Conference), RJ Ball (ESD – Video Conference), S. Maier (Harris Beach – Video Conference), M. Fitzgerald (Phillips Lytle – Video Conference), E. Smart (Smart Design), A. Aliasso (Del Plato Casey Law Firm), P. Casey (Del Plato Casey Law Firm) D. Cunningham (GGLDC Board Member) G. Torrey (GGLDC Board Member)
Absent: M. Gray (GCEDC Board Member), K. Manne (GCEDC Board Member)

**P. Zelif attended the meeting via Video Conference, therefore he did not count towards the quorum.*

1.0 Call to Order

P. Zelif, via video conference, called the meeting to order at 4:00 p.m. in the Innovation Zone.

Presentation – Smart Design

E. Smart presented plans for the redevelopment of a historic home located at 4 Mix Place in Batavia, which he purchased several years ago with the intent of relocating his architecture firm to the site. Following an extended process with the Zoning Board, the zoning was successfully amended to allow for mixed-use, enabling the project to move forward.

E. Smart emphasized his commitment to maintaining and preserving the historic character of the original structure. He noted that the firm would typically have 7–8 employees working on-site daily. In response to public input, he also expressed his intention to minimize the visual impact of the commercial use to ensure compatibility with the predominantly residential nature of the neighborhood.

J. Loewke joined the meeting at 4:08 p.m.

Discussed item 3.5 with J. Loewke where he expressed that the Excelsior Solar project is struggling to find local labor in order to comply with the local labor policy. Initially, for the project, they weren't worried about finding workers. J. Loewke stated that he is in favor of granting this waiver for the site work portion with the Laborer's Union.

J. Loewke and K. Loewke left the meeting at 4:16 p.m.

M. Fitzgerald left the meeting at 4:18 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 4:16 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.
3. 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. Yunker and approved by all members present.

G. Torrey joined the meeting at 4:24 p.m.

D. Cunningham joined the meeting at 4:25 p.m.

1.2 Enter Public Session

M. Clattenburg made a motion to enter back into public session at 4:35 p.m., seconded by C. Yunker and approved by all members present.

2.0 Chairman's Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, August 7th at 3:00 p.m.

Audit & Finance Committee Meeting: Tuesday, August 5th at 8:30 a.m.

STAMP Committee Meeting: Wednesday, August 6th at 8:00 a.m.

Employment & Compensation Committee Meeting: Thursday, August 7th at 2 p.m.

2.2 Agenda Additions / Deletions / Other Business

C. Yunker made a motion to add additional easements to item 6.1 in the amount of \$4,272 ; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zeff -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was added to the agenda.

2.3 Minutes: June 5, 2025

C. Yunker made a motion to accept the June 5, 2025 minutes as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zeff -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 HP Hood – Final Resolution – HP Hood, LLC is planning to build a 7,722 sq ft facility at the Genesee Valley Agri Business Park in the town of Batavia with a total capital investment of \$25,968,000.

The project will include the construction of a two-bay, raw milk silo alcove and silo pads for four silos, Clean-in-Place (CIP) room for four CIP systems, remote truck testing lab and electrical room.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$1,122,394 and a property tax abatement estimated at \$84,097 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

C. Suozzi stated that the public hearing was held on June 26, 2025 and there was no one in attendance. He also stated that the resolution states that the IDA fee will be divided 50% over 2 years which was agreed upon with the company.

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.

A public hearing was held on June 26, 2025. There was no public comment at this time.

3.1b Final Resolution –

Resolution No. 07/2025 - 01

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 JUNE 26, 2025, WITH RESPECT TO THE HP HOOD LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (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, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

P. Battaglia made a motion to approve the Final Resolution #07/2025-01, authorizing the incentives for HP Hood as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zeff -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.2 Smart Design Architecture, PLLC – Initial Resolution - smartDESIGN Architecture, PLLC is planning to renovate a vacant building at 4 Mix Place in the City of Batavia that will serve as the headquarters for the firm’s professional services.

The \$480,000 project will renovate a local historic landmark that has not been occupied for several years. The renovation and the use of the building for an office providing professional services were previously approved by the City of Batavia.

In addition, the company and its 12 FTE’s were displaced by the recent closure of its Harvester Center facility by the property’s owner.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$25,600, mortgage tax exemption \$4,000 and a property tax abatement estimated at \$79,888 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

Resolution No. 07/2025 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF SMARTDESIGN ARCHITECTURE PLLC WITH RESPECT TO A CERTAIN 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.

P. Battaglia made a motion to approve Initial Resolution #07/2025-02 for Smart Design, authorizing the acceptance of the project application and scheduling a public hearing as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zeff -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.3 SL Pembroke, LLC – Initial Resolution – SL Pembroke, LLC is proposing to construct a solar farm project on 7962 Tesnow Rd in the Town of Pembroke, NY. The project proposes to utilize ground-mounted solar panels to generate 4 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Pembroke, Genesee County and Akron School District for a total of \$276,695 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

The Project will also generate \$2500/MWAC + a 2% annual escalator in host benefit agreement payments to the Town of Pembroke. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

Resolution No. 07/2025 - 03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF SL PEMBROKE, LLC WITH RESPECT TO A CERTAIN 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.

C. Yunker recommended tabling this item until the quality of the farmland can be assessed. He referenced the Tompkins County IDA policy, which requires a higher premium PILOT payment for projects sited on prime farmland, in response to the significant amount of acreage lost from agricultural use. He further noted that the Board should consider whether it wishes to support additional solar projects within the county, particularly those proposed on prime farmland.

C. Yunker made a motion to table Initial Resolution #07/2025-03 for SL Pembroke to a future meeting until the quality of the farmland could be assessed; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zelif -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.4 SL Pembroke 2, LLC – Initial Resolution – SL Pembroke 2, LLC is proposing to construct a solar farm project on 7966 Tesnow Rd in the Town of Pembroke, NY. The project proposes to utilize ground-mounted solar panels to generate 5 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Pembroke, Genesee County and Akron School District for a total of \$345,868 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

The Project will also generate \$2500/MWAC + a 2% annual escalator in host benefit agreement payments to the Town of Pembroke. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

Resolution No. 07/2025 - 04

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF SL PEMBROKE 2, LLC WITH RESPECT TO A CERTAIN 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.

C. Yunker made a motion to table Initial Resolution #07/2025-04 for SL Pembroke 2 to a future meeting until the quality of the farmland could be assessed; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zeliff –	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg –	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.5 Local Labor Waiver Request – Excelsior Solar Project - Excelsior Energy is constructing their 280 MW solar generation project in the Town of Byron. Since the project is planned to generate in excess of 5 MW of power, it is subject to our Local Labor Policy. In connection with the Local Labor Policy there is a waiver request process that can be made for certain contractors that do not have to be local. The situations that would allow a company to request a waiver are as follows:

“It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; (iii) documented lack of Workers meeting the Local Labor Area requirement; or (iv) cost differentials in bids whereby use of local labor significantly increases the construction cost of the project. Prior to the granting of said waiver, the lowest bidding contractor which bid said construction project using local labor would have the right of first refusal to bid and match the lowest bid as a remedy to ensure compliance with this policy. Comprehensive documentation and justification will be required including documented evidence and verification by GCEDC staff or agents that the “right of first refusal” remedy has been effected unsuccessfully.

The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.”

P. Zeliff clarified that this request is for a waiver related solely to the site work portion of the project, which has already been completed. The waiver is being sought because the applicant cannot meet the 90%

local labor requirement. He expressed that he is not in favor of granting the waiver without knowing the current percentage of local labor that they are going to achieve.

C. Yunker added that his concern is the availability of numerous non-union operators within the county who are willing and able to perform the work.

M. Masse explained that the project had entered into an agreement with the local unions but is now experiencing difficulty securing enough union workers, which is the reason for requesting the waiver.

C. Yunker raised a concern about whether granting this waiver could set a precedent for future projects in similar situations.

P. Zelif recommended asking the applicant to return to the union and, given the worker shortage, explore the option of hiring outside the union, local non-union operators. They may not be part of the union but they can be paid prevailing wage.

M. Masse then suggested tabling the item until additional information could be gathered and revisited at the next meeting.

P. Battaglia made a motion to table the Local Labor Waiver Request from Excelsior Solar to a future meeting, until further information is provided; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zelif -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

3.6 Public Outreach Update – As per prior discussions, J. Krencik wanted to give everyone an update on the ongoing outreach efforts.

1. ACT Work Ready – 9 students from Pavilion Central School completed this program. In looking towards the goals of this program, promotion is critical.
2. M. Masse participated in a column on the workforce investments which were a function of the GCEDC/GGLDC in promoting some of the things that had been invested in.
3. M. Masse also participated in proactively talking to the Daily News about the State Comptroller's report on IDA performance. Genesee, Livingston, and Wyoming Counties all contributed to this as well.

4.0 Audit & Finance Committee

4.1 Local Labor Contract – HP Hood, LLC – The Board previously approved the Final Resolution for the HP Hood project, which involves the construction of a facility valued at over \$5 million. As such, the project falls under the requirements of the local labor policy.

To ensure compliance, the agency contracts with Loewke Brill for labor monitoring services. The cost of these services is included in the fees paid to the agency by HP Hood. However, because the agency holds the contract with Loewke Brill directly, formal approval of the contract is required to authorize the use of those funds for this purpose.

Loewke Brill Consulting Group, Inc. has been the GCEDC's consultant who assists with the monitoring and reporting of company's compliance with the local labor policy. The Board has determined that companies need to provide GCEDC with a deposit that will cover the costs of these services. Any amount not utilized will be returned to the company.

The following fee is based on the company's project description and timeline as provided in the application for incentives.

Project : HP Hood, LLC

Fund Commitment: \$32,190

Board Action Request: Recommend Board approval of the contract with Loewke Brill contingent upon receipt of the deposit from the project.

P. Battaglia made a motion to approve the Local Labor Contract with Loewke Brill for HP Hood, LLC as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zelif -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

4.2 Local Labor Contract – SL Pembroke, LLC & SL Pembroke 2, LLC – P. Zelif stated this item should be tabled due to the discussion on the proposed projects related to agenda items 3.3 and 3.4.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zelif

6.1 Easements for Force Main Project – In conjunction with the installation of the force main from the STAMP site to the Village of Oakfield wastewater treatment facility, there are a number of easements needed. Based on a compensation model of \$2 per linear foot with a minimum of \$500, the following payments are needed for three easements:

1. Permanent Easement 1 and Permanent Easement 2 for a total of \$1,175
2. Permanent Easement 3 - \$500
3. Permanent Easements 4, 5, 6, 7, 8, 10, and 11 and Temporary Easements 2, 3, and 4 for a total of \$4,272

Fund Commitment: \$5,947 from the \$56 million.

Board Action Request: Approval of payment of \$5,947 to the holders of the easement numbers identified above.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the payment of \$5,947 for the easements for the Force Main Project as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zeff -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

6.2 Town of Alabama Water Tank Review Fees - The GCEDC had completed the site plan approval of design and engineering of the on site water storage tank. The Town of Alabama hired Wendel Engineering to review the plans and recommend any actions to the Planning Board along with their Special Project Manager. The Planning Board approved the project. The GCEDC has received the attached invoices in connection with this review in the amount of \$7,242.92.

Fund Commitment: The \$7,242.92 is covered under the existing \$56 million NYESD grant.

Board Action Request: Recommend approval to the full Board to pay \$7,242.92 to the Town of Alabama.

This was recommended for approval by the Committee.

M. Clattenburg made a motion to approve the payment of \$7,242.92 to the Town of Alabama as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zeff -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

6.3 Marshalling Yard Agreement with National Grid – In connection with National Grid’s re-route of the existing power line on the STAMP site they are looking to utilize up to five acres of land owned by the GCEDC as a marshalling yard for their equipment and materials. In July of 2024 the GCEDC approved a temporary use agreement with National Grid for \$1,500 per month for a period of 12 months, with the ability to extend another 12 months with notification. National Grid would like to extend this agreement for another two years to July 2028 at \$1,500 per month.

Fund Commitment: None.

Board Action Request: Recommend approval to the full Board the marshalling yard agreement with National Grid.

This was recommended for approval by the Committee.

P. Battaglia made a motion to approve the Marshalling Yard Agreement with National Grid as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zeliff –	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg –	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

6.4 Electric Service Installation with National Grid – In connection with installation of the sewer service for the Edwards project, National Grid needs to install power to the location for the pump station. They have provided a proposal of \$8,783.50 to complete this work.

Fund Commitment: \$8,783.50 to be covered under the existing \$56 million grant.

Board Action Request: Recommend approval to the full Board the electric service installation proposal with National Grid.

This was recommended for approval by the Committee.

P. Zeliff inquired about the duration of the proposed utility service, noting that the proposal described it as a temporary service limited to up to two years. In response, M. Masse clarified that the proposal includes language stating that if the service becomes permanent, a credit would be applied accordingly.

P. Zeliff also questioned why a permanent service was not being installed from the outset and further asked why National Grid would be handling the installation directly, as this work is typically performed by a contractor.

M. Masse will follow up with National Grid to address these questions.

A. Aliasso joined the meeting at 4:53 p.m.

C. Yunker made a motion to table the electric service installation proposal with National Grid; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zeliff –	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg –	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

6.5 Letter of Credit – L. Farrell stated that she was hoping for an update on this item, but was still waiting to hear back from a couple of the banks she had reached out to on the letter of credit NYPA was requiring. She stated that there could potentially be a reduction of the requirements which would allow a lower rate than expected. If this is the case, there would not be a need to come back to the Board since it would be under the 1% that was already discussed.

6.6 Appointment of Phillips Lytle as Special Counsel – With recent litigation filed against the GCEDC, the staff recommends that the Board 1) appoints Phillips Lytle as special counsel for the current litigation and 2) approves funds to be expended up to \$25,000 to cover the insurance deductible.

Fund Commitment: \$25,000 to be covered under operating funds.

Committee Action request: Recommend approval to the full Board of the appointment of Phillips Lytle as special counsel for the current litigation and approve funds to be expended up to \$25,000 to cover the insurance deductible.

This was recommended for approval by the Committee.

P. Battaglia made a motion to approve the appointment of Phillips Lytle as Special Counsel for the current litigation and approve funds to be expended up to \$25,000 to cover the insurance deductible as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zelif -	N/A (Video Conference – Not officially in attendance)
K. Manne -	Absent	C. Yunker -	Yes
M. Clattenburg -	Yes	M. Gray -	Absent
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, C. Kemp made a motion to adjourn at 4:55 p.m., which was seconded by M. Clattenburg and passed unanimously.