



**GCEDC Board Meeting
Thursday, August 7, 2025
Location: 99 MedTech Drive, Innovation Room
3:00 PM**

GCEDC MINUTES

Attendance

Board Members: C. Kemp, P. Battaglia, C. Yunker, K. Manne
Staff: M. Masse, K. Galdun, C. Suozzi, P. Kennett, J. Krencik
Guests: J. Tretter (GGLDC Board Member), R. Crossen (Town of Alabama Supervisor),
M. Brooks (GGLDC Board Member), D. Cunningham (GGLDC Board Member)
R. Gaenzle (Harris Beach), S. Nonkes (Harris Beach), J. Loewke (Loewke Brill –
Video Conference), R. Ball (Empire State Development), M. Fitzgerald (Phillips
Lytle – Video Conference), S. Stein (Genesee County Legislature), M. Landers
(Genesee County Manager), K. Fisher (Town of Alabama Supervisor), M. Boylan
(Genesee County Attorney), B. Soora (Mega Properties), A. Kulkarni (Mega
Properties President), C. Eddinger (Blattner Energy), C. Henle (Blattner Energy),
D. Kerley (NextEra Energy), R. Presler (Blattner Energy), J. De Armos (NextEra
Energy), G. Malone (Operators Union Engineer – Video Conference), B. Quinn
(The Daily News)
Absent: M. Gray (GCEDC Board Member), P. Zelif (GCEDC/GGLDC Board Member), M.
Clattenburg (GCEDC/GGLDC Board Member)

1.0 Call to Order

P. Battaglia called the meeting to order at 3:00 p.m. in the Innovation Zone.

Presentation – A. Kulikarni attended the meeting to discuss his potential project for Mega Properties. They are seeking to build a 165,000 square foot distribution center for major appliances at the Gateway II Corporate Park in the Town of Batavia. He has been a business owner in Batavia, NY since 1979, making this his third project. His hope would be to have this project completed by September of 2026 if the project is approved. He expressed his gratitude for all the support he has received from the GCEDC in the past and looks forward to the future.

S. Nonkes entered the meeting at 3:04 p.m.

A. Kulikarni confirmed that they had already been through the proper planning board process and that he believed a traffic study had also been done even though, he was unclear on the results of the study, but that they were ready to issue him the proper permits, so he assumed it went as expected. M. Masse stated that the Town of Batavia would have had to do a study through the SEQR process.

A. Kulikarni and B. Soora left the meeting at 3:05 p.m.

C.Eddinger, C. Henle, D. Kerley, R. Presler, J. DeArmos, and B. Quinn left the meeting at 3:05 p.m.

1.1 Enter Executive Session

C. Kemp made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 3:05 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.

S. Nonkes left the meeting at 3:29 p.m.

M. Fitzgerald left the meeting at 3:38 p.m.

1.2 Enter Public Session

C. Yunker made a motion to enter back into public session at 3:43 p.m., seconded by K. Manne and approved by all members present.

C.Eddinger, C. Henle, D. Kerley, R. Presler, and J. DeArmos returned to the meeting at 3:43 p.m.

J. Loewke and G. Malone entered the meeting via video conference at 3:43 p.m.

M. Boylan left the meeting at 3:43 p.m.

2.0 Chairman’s Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, September 4th at 4:00 p.m.

Audit & Finance Committee Meeting: Tuesday, September 2nd at 8:30 a.m.

STAMP Committee Meeting: Wednesday, September 3rd at 8:00 a.m.

Employment & Compensation Committee Meeting: Thursday, September 4th at 3 p.m.

2.2 Agenda Additions / Deletions / Other Business – Nothing at this time.

2.3 Minutes: July 10, 2025

C. Kemp made a motion to accept the July 10, 2025 minutes as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

3.0 Report of Management

3.1 Mega Properties - Initial Resolution – Mega Properties, Inc. is seeking to build a 165,000 square foot distribution center at the Gateway II Corporate Park in the town of Batavia.

The \$11,096,000 project proposes 28 new, full-time equivalent (FTE) positions.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$523,328, a mortgage tax exemption estimated at \$80,000 and a property tax abatement estimated at \$1,504,602 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

Resolution No. 08/2025 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF MEGA PROPERTIES, INC. 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 approve Initial Resolution #08/2025-01 for Mega Properties, authorizing the acceptance of the project application and scheduling a public hearing as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

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

The item was approved as presented.

3.2 Excelsior Solar Project Local Labor Waiver Request –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 if the 90% local labor amount cannot be achieved. 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.”

The consulting group hired by the GCEDC to oversee the compliance with the Local Labor Policy, Loewke Brill Consulting Group, has reviewed the request. Jim Loewke, from Loewke Brill, attended the meeting to explain the process he went through to come up with his recommendation.

Fund Commitment – None.

Board Action Request – Recommendation to approve local labor waiver request.

M. Masse stated that this item had been discussed at the last meeting and was tabled following requests for additional information.

J. Loewke went over where the labor issue stands now versus a month ago and provided some updates. He had multiple discussions with Excelsior Energy and G. Malone at the Operator’s Union to make sure that all efforts were being made to utilize local labor. G. Malone had reached out to members of the community in non-union companies to see if they could make progress in utilizing non-union members to work on this project. Nothing is in writing currently, but they are having discussions on possible solutions. They have also discussed what the building trades can commit to for this waiver and G. Malone stated he could commit to 50% from the 14-county area, of which the balance he commits would be from New York State. Given these changes from last month, J. Loewke feels it’s moving in a positive direction.

M. Masse followed by stating that a change had been made to the local labor policy that a strong consideration would be given for waiver requests if utilizing New York State workers when unable to achieve it in the 14-county area as an allowable reason.

C. Yunker requested input from the developers on what they were seeing in terms of local labor and whether they were looking at non-union operators as a solution. C. Henle (Excelsior Solar) replied that the way the labor strategy and agreements were set up for the project included the building trades. The request is specific to the operators. Their commitment is to continue to work with the operators and the building trades. He stated that in working with G. Malone, he can reaffirm that they should be able to achieve 50% local labor in the 14-county area and that that remaining balance would be within New York State. In answering the original question, C. Henle stated that the contractor has not been reaching out to non-union companies to subcontract work, but that they continue to work through the processes with their developer and with the building trades for a resolution.

M. Masse stated that J. Loewke and G. Malone had both reached out to non-union operators to try and find non-union workers to help fill the gap. G. Malone replied that he had reached out to a few Western New York contractors who do the same kind of work, and with all the projects going on in state, there is a lack of workers across the board union or not.

C. Yunker commented that we’re looking for the union to look for non-union workers and the developer is not, they are instead going through the union hall and he feels it’s restricting the number of available operators that could work on the project. He stated that without the developer looking into non union labor, he cannot support this waiver. G. Malone responded that he’d have no problem with that premise if they were following the agreement that’s already in place.

M. Masse stated that Zoladz had been one of the non-union contractors contacted because he had received a phone call from them asking questions, but that they weren’t able to provide labor at this current time but could possibly in the future. J. Loewke confirmed that a lot of the local contractors are

booking out until at least after school work is done but then could potentially be available. Some were receptive to looking at the Project Labor Agreement to see if the opportunity was right but would need to be discussed further with G. Malone.

When asked for input from the developer side, J. DeArmas stated that Blattner has made all the necessary efforts to comply. Ultimately, they don't have two months to wait for operators to become available. He feels the waiver would be beneficial to the success of the project.

J. DeArmas mentioned to keep in mind they weren't asking for a blanket waiver for the entire project. They are seeking a waiver on one third of the project, specifically related to the operators, which they should be able to achieve 50% local labor. The remaining two thirds of the project would be able to meet the 90% local labor requirement. C. Eddinger stated that even with the waiver, it still doesn't change their obligation to the agreement with the trades.

C. Yunker expressed his concern that there are able bodied operators, non-union, willing to work prevailing wage jobs, but that the developer of this project is only going to the union. C. Eddinger responded that they have a legal commitment that they must honor due to the agreement they have in place. She also reiterated the shortage of operators from all local contractors.

M. Masse suggested modifying the waiver to do a shorter term. If they can meet the 50% for a three-month period, then they could come back to update the board on the status of the operators. This would prevent restricting the entire project, since they are at risk of violating an agreement they signed.

J. Loewke offered to report back in three months on the non-union workforce availability. C. Yunker agreed to approve the waiver for 90 days and P. Battaglia requested the board be provided with a list of contractors they had reached out to as well.

K. Manne made a motion to approve the Local Labor Waiver Request for Excelsior Solar for 90 days as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3.3 Edwards Local Labor Waiver Request – The company is seeking the waiver in regard to a warranty. If this company doesn't do the work, they will not honor the warranty.

C. Yunker made a motion to approve the Local Labor Waiver Request for Edwards as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

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

The item was approved as presented.

C.Eddinger, C. Henle, D. Kerley, R. Presler, and J. DeArimos left the meeting at 4:06 p.m.

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

1. Followed up on the approval by the STAMP Sewer Works Corp. as well as the Village of Oakfield and agreements between those two parties regarding the sanitary sewer treatment facility. Shared this information through several methods to help provide clarity, including a news release letter to the editor.
2. Workforce efforts have been busy with the activity related to the 6-week Pre-Apprenticeship Bootcamps that have been going on at the Genesee Valley Boces. They added a second welding program this summer and Channel 13 news was there to report on it.
3. Channel 4 and Channel 7 came out to Gainesville, NY for the kick off of the GLOW With Your Hands. This event is taking place on September 30th, 2025.

4.0 Audit & Finance Committee

4.1 New York Loves Nano Semicon West Sponsorship – J. Krencik and C. Suozzi are attending this conference in Phoenix in October 2025. As members of the New York State Economic Development Council (NYSEDC), they are coordinating with the delegates that attend this conference. This is the same conference that accelerated the opportunity with Edwards Vacuum a couple years ago as well as helping to maintain a lot of relationships for future opportunities.

We have been a sponsor with Greater Rochester Enterprise (GRE) and Invest Buffalo each year. This year, each of these partners are contributing equal amounts to us. Previously we were a \$5,000 sponsor, but this year we'll be sponsoring at a cost of \$3,340. National Grid supports this event which will reimburse half the cost of our sponsorship.

K. Manne made a motion to approve the sponsorship for the New York Loves Nano Semicon West as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

4.2 2026 Budget Timeline – The 2026 budget timeline is similar to that of prior years. The budget workshop is scheduled for August 13th, 2025 at the Audit & Finance Committee.

M. Masse noted that all board members are welcome to attend. He also stated that the schedule and timeline are driven by submission to the County since it's included in their overall budget.

4.3 Local Labor Fee– Mega Properties – 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 the 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: Mega Properties, Inc.

Fund Commitment: \$31,270 from deposit by the company.

Board Action Request: Recommendation to approve of the contract with Loewke Brill contingent upon receipt of the deposit from the project.

M. Masse stated that this is the fee associated with the local labor inspections on this project.

K. Manne made a motion to approve the Local Labor Contract with Loewke Brill for Mega Properties as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zelif

6.1 Letter of Credit – As per discussions at previous meetings, NYPA has a construction security requirement for the line restoration for any work done within the 345 kv ROW. The security request amount is \$4,000,000. The purpose of the security is to restore the line if the developer abandons the project midway and then NYPA is required to restore the lines.

M. Masse stated that, in securing the letter of credit with Keybank, they are requiring their standard resolution to be passed authorizing us to enter into the letter of credit.

This was not reviewed by the Committee because the Committee did not meet due to a lack of quorum.

C. Yunker made a motion to approve the Letter of Credit as presented; the motion was seconded by K. Manne. Roll call resulted as follows:

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

The item was approved as presented.

6.2 Temporary Power Proposal from National Grid – In connection with the 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.

M. Masse stated that this item was tabled at the last meeting requiring more information. He followed up with National Grid and sent that information out to the board. All of the work being done is on National Grid facilities, therefore they are the only ones who can service it.

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

Board Action Request: Recommendation to approve the electric service installation proposal with National Grid.

This was not reviewed by the Committee because the Committee did not meet due to a lack of quorum.

C. Yunker made a motion to approve the electric service installation proposal with National Grid in the amount of \$8,783.50 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

6.3 Bid Recommendation for Roadwork – The GCEDC went out to bid for 950 linear feet of grading, stormwater and construction of the extension of the stub road at the hammerhead on STAMP Drive. This project will allow trucks access to the Edwards facility as well as provide access to two other parcels for future development opportunities. The bids were as follows:

A. Keeler Construction \$956,960 MWBE participation amount 2.4%

B. Villager Construction \$1,137,840 MWBE participation amount 0.9%

C. Rochester Earth \$1,040,400 MWBE participation amount 0.0%

D. Milhurst Construction \$1,310,875 MWBE participation amount 0.0%

E. Anastasi Trucking \$1,071,300 MWBE participation amount 0.0%

F. Mark Cerrone \$994,725 MWBE participation amount 14.1%

The bid document stated that the Owner reserves the right to award the Base Bid individually or the combination of the Base Bids to the lowest, responsive, responsible bidder based on which Bid combination best fits the project budget and priorities.

Fund commitment: NYS \$56 million and equity match from GCEDC funds.

Board Action Request: Recommend approval of award to a contractor.

M. Masse stated that the concern was that Keeler Construction only had 2.4% of MWBE participation, where the Mark Cerrone bid had 14.1%. When the water tank bid was awarded, the higher of the two bids was approved because of the higher MWBE percentage. Clark Patterson Lee reviewed both of the lower bids and stated that they have no issues with either one, but did not formally make a recommendation for one over the other. If we end up needing a waiver at some point on the \$56M, he feels we'd need to approve the bid with the higher MWBE participation, even with a \$40,000 difference between the two.

P. Battaglia asked what the required MWBE participation percentage needed for the \$56M grant and M. Masse answered 30%.

This was not reviewed by the Committee because the Committee did not meet due to a lack of quorum.

C. Yunker made a motion to approve the lowest Bid with Keeler Construction for roadwork, not to exceed \$956,960 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

6.4 Payment for Easements – Force Main: 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. Temporary Easement 4 \$500

Fund Commitment: \$500 from the \$56 million.

Board Action Request: Approval of payment of \$500 to the holder of the easement number identified above.

This was not reviewed by the Committee because the Committee did not meet due to a lack of quorum.

C. Kemp made a motion to approve payment for the above mentioned easements as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	P. Zelif -	Absent
K. Manne -	Yes	C. Yunker -	Yes
M. Clattenburg -	Absent	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 4:14 p.m., which was seconded by K. Manne and passed unanimously.