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PUBLIC HEARING

PURSUANT TO ARTICLE 18-A OF THE NEW

YORK GENERAL MUNICIPAL LAW

RE: GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY

ECONOMIC DEVELOPMENT CENTER AND STREAM U.S. DATA CENTERS, LLC GENESEE COUNTY, NEW YORK

LOCATION: Town of Alabama Fire Hall,
2230 Judge Road,
Alabama, New York 14013

DATE: February 3, 2025

TIME: 2:00 p.m.

REPORTED BY: SUZANNE SAEED TACKER, Certified Court Reporter

FORBES COURT REPORTING SERVICES

21 Woodcrest Drive

Batavia, New York 14020

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2 APPEARANCES:

3 MARK MASSE, HEARING MODERATOR,
4 99 MedTech Drive,
5 Batavia, New York.

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2 HEARING MODERATOR: Okay. We will start
3 the public hearing for the STREAM U.S. data
4 centers. Well, I guess I'll go through the
5 normal stuff anyway, so bear with me. My
6 name's Mark Masse, President, CEO of the
7 GCEDC. I'd like to thank everyone for
8 coming out today for the three public
9 hearings on the proposed incentives for the
10 project.

11 I think we've got our sign-in sheets,
12 we've got more sign-in sheets back there if
13 anybody would like to sign in to speak.
14 Again, not a question and answer period. We
15 did extend -- we will extend the written
16 comment period to Thursday at 5 o'clock. If
17 you wish to send an email to gcedc@gcedc.com
18 for the STREAM U.S. DATA CENTERS, it is a
19 proposed \$ 6 billion -- \$6.3 billion
20 investment.

21 They're looking to build a 900,000-
22 square-foot data center at STAMP. The
23 project is estimated generated total of \$218
24 million in local municipal revenue over 20
25 years, along with the creation of 122 jobs.

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2 Again, it'll be three minutes. You'll get a
3 warning with 30 seconds left from Matt. And
4 we will go ahead and start.

5 Evelyn, I got you before you sat down.

6 MS. WACKETT: Yes. Okay, that's fine.
7 Evelyn Wackett, W-A-C-K-E-T-T. My friends
8 call me Eve. I'm going to duplicate
9 everything I said in the first two. And the
10 only thing I guess I would really want to
11 add is from my understanding with the data
12 centers comes high energy demand. And when
13 there's high energy demand, our costs go up.
14 So, our personal election bills are going to
15 skyrocket, water demands as well. When
16 those water demands go up, we have to pay
17 more because the demand in the area goes up.

18 Now I live in Buffalo, New York, and
19 again, I'll say, why should I care what's
20 going on in Genesee County? The reason why
21 I care about what's going on in Genesee
22 County is because it affects our water.
23 Water is life. We're all connected by the
24 water. We all need the water. And if
25 something happens to the water with this

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2 industrial park, then we all going to suffer
3 from that. And again, for the shorted owl
4 and for the rights of nature, I say I'm
5 speaking up one more time for the wildlife,
6 the short-eared owl especially. Thank you.

7 HEARING MODERATOR: Thank you. Margaret
8 Wooster.

9 MS. WICKETT: She just left.

10 HEARING MODERATOR: She left?

11 MS. WICKETT: She's headed out.

12 HEARING MODERATOR: Okay. Tom Kiouk.
13 Did I say that right? Looks like K-I-O-U-K.
14 No. Sarah Howarg?

15 MS. HOWARG: Hello. I'm back again.
16 This time to share comments about project
17 Double Reed. The backers of the project
18 Double Reed are extreme data centers, which
19 used to proclaim stated commitments to
20 environmental sustainability, social
21 responsibility, and long-term stewardship,
22 as well as its commitment to aligning its
23 projects with the United Nations sustainable
24 development goals of clean water,
25 affordable, clean energy, responsible

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2 consumption, and climate action.

3 Mysteriously around January 20th, this
4 language disappeared from the homepage of
5 the company's website. You can still find
6 that language if you search for it very
7 thoroughly. Kind of like how you can find
8 information about these public hearings and
9 requested financial incentives on the GCEC's
10 website if you spend a lot of time clicking
11 on various tabs. So anyway, the fair
12 weather STREAM data center's commitments
13 should make us question whether they are
14 really commitments.

15 Also, I failed to see how an entity that
16 would use 250 megawatts of electricity per
17 year and a 10,000 gallons of water per day
18 could even possibly claim environmental
19 sustainability.

20 By the way, that usage of 250 megawatts
21 per year could place STREAM data centers
22 among the very largest energy-guzzling data
23 centers around the world. Very few of which
24 exceed 200 megawatts in use.

25 Similarly, the revised EAF states that

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2 Double Reed would maintain onsite diesel
3 generators using 60,000 gallons of diesel
4 fuel per year.

5 It was 1,500,000 gallons diesel fuel in
6 the original, a notable change that raises
7 questions itself and producing emissions of
8 533 tons of CO2 as well as possible NO2 and
9 hazardous air pollutants, HAP emissions
10 known to be associated with diesel fuel. Is
11 this environmental sustainability, not by my
12 definition.

13 So, STREAM data centers fails the test
14 of environmental sustainability, how about
15 social responsibility? For a total of
16 \$471,560,000 in requested public subsidies,
17 4,602 -- no, 462,560,000 -- these numbers
18 are freaking ridiculous. In sales tax
19 exemption, \$9 million in mortgage tax
20 exemptions, they will produce 122 jobs or
21 about \$3,000,865, \$245 per job.

22 Let's pause for a minute. I know, I
23 know. No Q and A with you, Mark, but to the
24 audience, I will ask what else could be done
25 with \$471,560,000 beside giving it to some

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2 corporation? Could we create a lot more
3 jobs that are actually socially responsible
4 and environmentally sustainable? I think we
5 probably could. So that social
6 responsibility claim brings hollow even if
7 we haven't talked -- and we haven't even
8 talked about the impacts of Tonawanda Seneca
9 Nation and how citing Double Reed on a
10 parcel that abuts their big woods and drains
11 the nation's waterways would violate the
12 Treaty of Canandaigua commitment to
13 upholding the Haudenosaunee people's free
14 use of and enjoyment of their territories,
15 sitting a massive noisy light polluting data
16 center mere feet away from where nation
17 citizens continue to hunt deer, gather
18 medicine and fish.

19 It doesn't take someone with a detailed
20 knowledge of purity rights to see that there
21 would be an extremely negative impact to the
22 health and well-being of nation citizens.

23 But clearly SDC's citation of this UN
24 sustainable development goals were just as
25 cynical corporate ploy to brand themselves

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2 as a nice data center guys, during a time we
3 thought DEI was a good thing. And kind of
4 similar to GCEDC's insulting webpage
5 proclaiming their good relationship with
6 their neighbors at Tonawanda Seneca Nation.
7 You can't even remember when their holidays
8 are and they're holidays that people around
9 the world have. Even those of (inaudible),
10 which I'm assuming you have considering your
11 last name is Massey. Just putting it out
12 there, you should know.

13 If you were actually in a good
14 relationship, you would've reached out and
15 asked before scheduling these hearings
16 during the nation's midwinter ceremonies, at
17 the very least. Okay, and I've got
18 corporate hypocrisy. Let's talk about some
19 of the eyebrow-raising inconsistencies,
20 baseless claims and gaps of information in
21 the EAF for Double Reed.

22 Project Double Reed would build 341-
23 foot-tall one-story buildings comprising
24 900,000 square feet. This is spatially
25 equivalent to more than 15 football fields.

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2 While it may be difficult to grasp as
3 abstractly, the enormity of the visual
4 impact of such facilities, particularly in a
5 rural undeveloped area, conceptualization
6 and assessment of those impacts on the
7 people who will run them -- who will
8 experience them daily is critically
9 important, and there's absolutely no attempt
10 to address the visual impacts of the Double
11 Reed EAF or actually any of the EAFs.

12 Clearly, we can't trust your assessment,
13 Mark, since you also seem to think that the
14 hideous green hydrogen cloaks at the now
15 defunct plug power site are aesthetically
16 pleasing.

17 Back to Double Reeding its explanatory
18 gaps. Project Double Reed's, EAF states
19 there will be no impacts on wetlands, but
20 its conceptual site plan shows buildings to
21 be constructed at / on the edges of two
22 wetlands. No information is provided to
23 explain how the foundation walls a 41-foot-
24 high, 300 square foot -- 300,000 -- my
25 apologies, we're not talking about

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2 apartments in the city of Buffalo. 300,000
3 square foot structure could be constructed
4 on the edge of a wetland without impacting
5 it.

6 Similarly, the EAF for Project Double
7 Reed states that the project will include no
8 impoundments, but the site depicts storm
9 water retention ponds totaling 20 acres.
10 Last time I checked the DEC's storm water
11 management regs a storm water retention pond
12 is very much an impoundment.

13 There's also a hydrological inaccuracy
14 here. Double Reeds EAF claims these ponds
15 would discharge west to east to Pipestone on
16 Crosby Road, but the natural flow on site is
17 east to west. Where will the water actually
18 go? The question is especially important
19 because, like other e EAF's, Double Reeds
20 fails to mention the heated water discharge
21 that we all know will be associated with
22 their operations.

23 The EAF Double Reed does not disclose --
24 the EAF Double Reed does not disclose the
25 number of diesel fuel generators planned as

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2 part of the project. But notes each
3 generator will use a "Belly storage tank
4 holding," 9,500 gallons, but they don't plan
5 to list the project in the spills incident
6 database. What happens if there's a diesel
7 spill? As I've already mentioned, each of
8 the data center applicants at STAMP would
9 likely rely on backup diesel generators and
10 would store significant quantities of diesel
11 fuel on site --

12 HEARING MODERATOR: 30 seconds.

13 MS. HOWARG: -- adjacent to enough
14 stream from the nation wetlands on and
15 around the data centers are directly
16 connected to wetlands and waterways in the
17 nation. The EAF fails to attend to this
18 issue just as it fails to outline any
19 meaningful plan for disposal of 120 tons of
20 waste per year, which we can only imagine
21 will include e-waste notoriously full of
22 heavy metals that can leak into waterways
23 and wetlands if disposed of improperly,
24 which E-waste often is.

25 Similarly missing from Double Reed EAF,

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2 any mention whatsoever of the potential for
3 ongoing noise from operations?

4 As I've already mentioned, none of these
5 three data center applicants has conducted a
6 comprehensive meaningful noise study that
7 takes into account the community character
8 of the nation and its particular need for
9 quiet ongoing cultural activities.

10 Noise impacts on the wildlife are of
11 particular concern to the nation since
12 wildlife are integral to the nation's life
13 ways.

14 Like other applicants, STREAM data
15 centers carried out, what can only be
16 described as a laughable noise study. A
17 noise study conducted by a qualified,
18 independent third-party expert must be
19 required for each proposed data center
20 project. I oppose the allocation of public
21 monies project Double STREAM, which will
22 produce zero public benefits and copious
23 public harms.

24 We all know that GCEDC does not actually
25 want meaningful public comment on these

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2 incentives on or on the data center
3 proposals at all. If you actually did, why
4 would you schedule these hearings on a
5 weekday afternoon?

6 Bury the information about the hearings
7 on your website, failed to share the
8 information that members of the public would
9 need in order to comment substantially and
10 tell the Daily News that "We are 80 to 90
11 percent done" with the decision-making
12 process of sitting a data center at STAMP,
13 disgusting.

14 GCEDC, you don't even do a good job of
15 pretending that you care what the public
16 thinks. The way you're sitting right now,
17 your body language, everything tells me that
18 you don't give a word I won't say. An
19 indication of either extreme arrogance or
20 that you're wasting a lot of money. Again,
21 taxpayer money on a really lousy PR firm.

22 But what we can see today is that
23 despite your best efforts to make a comment
24 on these data centers, very difficult.
25 There are a lot of people here and I happen

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2 to know that GCEDC has received somewhere in
3 the ballpark of 500 public comments.

4 People care about the expenditure of
5 their public money. People care about the
6 decisions you make here; people are watching
7 you. I also want to take a moment to
8 address Mark's comments to the Daily News.

9 Mark stated, "There are a lot of
10 factors, and I don't want to speak for the
11 board, but obviously they still want to be
12 able to achieve the overall goal of STAMP."
13 He said, alluding to whether data centers
14 are a good fit for the technology park,
15 "Other factors include environmental
16 concerns, jobs created power and water
17 usage."

18 There's a lot in this statement and I do
19 not have time to unpack at all, but I do
20 want to draw attention to the question about
21 data centers in relation to the overall goal
22 of STAMP. Now, I do not agree with that
23 goal, which is advanced manufacturing and
24 economic development, but I can still point
25 out that data centers do not meet these

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2 goals.

3 We all know why you've turned to data
4 centers because STAMP is a fling boondoggle
5 despite at least 410 million taxpayer
6 subsidies in the direct backing and
7 interference of our state's most powerful
8 politicians. STAMP -- there are only two
9 fully confirmed tenants, one of which
10 plugged power pause construction activities
11 more than a year ago and will very likely
12 never resume or produce, "Green hydrogen".

13 You turn to data centers because plug
14 power was supposed to help pay for the
15 electrical substation and they back -- and
16 when they backed out, you needed to cash,
17 you needed cash for the whole mega
18 industrial scheme would fall apart.

19 So, I can tell you no data centers are
20 not a good fit. They're a desperate attempt
21 to save face on this massively destructive
22 and wasteful pipe dream. No to data centers
23 protect our waters and woods stop STAMP. So
24 here are some parting demands.

25 GCEDC must approve the SEQR for one of

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2 these projects in a board meeting, and
3 especially not the board meetings happening
4 later this week on February 5th or 6th.

5 GCEDC must produce the written cost-
6 benefit analysis of all three projects as
7 stipulated in General Municipal Law, must
8 widely circulate. This report must hold
9 another round of public meetings with
10 significant advanced notice to the public
11 and at a time that accommodates the
12 involvement of people who work a standard
13 9:00 to 5:00p.m. schedule.

14 GCEDC must immediately disclose the
15 identity of the owner/operators of all of
16 these projects.

17 GCEDC must publicly provide the
18 completed applications required by GMU589-A4
19 and uniform criteria for evaluation and
20 selection of projects required by GMU589-A5.

21 GCEDC must ensure that all three
22 developers carry out a third-party verified
23 robust comprehensive noise study of all
24 three projects and widely publicize the
25 results. In all aspects of the public

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2 process pertinent to the projects GCEDC must
3 follow the new Environmental Justice Siting
4 Law, which prohibits projects that impose
5 disproportionate pollution burdens on
6 disadvantaged communities like the Tonawanda
7 Seneca Nation, who you failed to consider in
8 this public hearing today.

9 In all aspects of the public process
10 pertinent to the projects, GCEDC must follow
11 CP29 on environmental justice and provide
12 enhanced public participation opportunities
13 to the Tonawanda Seneca Nation and the
14 public at large. Thank you.

15 HEARING MODERATOR: Gary Ciurczak.

16 MR. CIURCZAK: Hello, this is Gary
17 Ciurczak again. Today, I am speaking, or
18 this moment I'm speaking on behalf of
19 Deborah Gondek, G-O-N-D-E-K of North
20 Tonawanda. "Dear GCEDC, pursuant to General
21 Municipal Law 859-(a), I am writing to
22 oppose the proposed financial incentives to
23 all three projects. I am also requesting a
24 thorough review of the impact of data
25 centers on the Tonawanda Seneca Nation,

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2 residents of the Great Lakes bio region and
3 the health and well-being of our shared
4 environment.

5 The applicable General Municipal Law
6 requires GCEDC to produce written cost-
7 benefit analysis by the agency that
8 identifies the extent to which a project
9 will create or retain permanent private
10 sector jobs. The estimated value of any tax
11 exemptions to be provided, the amount of
12 private sector investment generated or
13 likely to be generated by the proposed
14 project, the contribution of the project to
15 the State's renewable energy goals and
16 emission reduction targets is set forth, and
17 the State energy plan adopted pursuant to
18 Section 6-104 of the energy law, the
19 likelihood of accomplishing the proposed
20 project in a timely fashion, and the extent
21 to which the proposed project will provide
22 additional sources of revenue for
23 municipalities and school districts and any
24 other public benefits that might occur as a
25 result of the project.

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2 My personal experience with similar
3 bitcoin mining and data center operating in
4 North Tonawanda New York is that these types
5 of projects require additional scrutiny in
6 order to avoid and or mitigate the
7 environmental and health harms associated
8 with their operations.

9 Data processing centers have multiple
10 banks of computers contained in a building.
11 Modular facilities contain the processors in
12 multiple storage light containers. Both
13 facilities require enormous fans or air
14 conditioning systems to cool down the
15 computer equipment. The noise generated
16 along with the large amounts of electricity
17 used by cooling systems and computer
18 processes have spurred moratoriums and bands
19 in numerous communities across the United
20 States. In fact, the Digi host operation in
21 our city has caused so many problems over
22 the past three years that in July, 2024 our
23 common council unanimously approved a
24 moratorium on any new cryptocurrency,
25 mining, AI or data centers. Many mistake --

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2 HEARING MODERATOR: 30 seconds.

3 MR. CIURCZAK: -- noise for an everyday
4 annoyance. Yet for several decades now,
5 scientific research has clearly established
6 a link between excessive noise and various
7 public health harms, including preventable
8 hearing loss, heart disease, stroke, and
9 hypertension. Noise is the most obvious
10 problem, but increased emissions from the
11 60-megawatt methane gas power plant in North
12 Tonawanda used to power this operation. The
13 electronic waste generated the Digihost
14 juice of 500,000 gallons of city water per
15 day are also concerned. Digihost 2024
16 Emissions data is equivalent to 140,000 tons
17 of CO2.

18 HEARING MODERATOR: Maggie.

19 MR. CATLIN: I am reading a statement
20 from Dr. Katherine Landis, L-A-N-D-I-S. "My
21 name is Dr. Katherine Landis and I'm a
22 senior research associate at the Center for
23 Native Peoples in the environment at SUNY
24 EASF. I'm a plant ecologist by training and
25 speak for myself and not my institution. I

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2 strongly oppose granting financial
3 incentives for project Potentia along with
4 those proposed for Rampart and Double Reed.
5 None of these projects deserve any public
6 support so that they do not benefit the
7 public, and in fact, are projected to cause
8 grave and irreparable harms.

9 Do public and private lands, waters air
10 the soundscape, wetlands and wildlife
11 habitat. Data centers are liabilities due
12 to their significant energy consumption,
13 greenhouse gas generation, water
14 consumption, wastewater production, as well
15 as harmful noise, light, and air pollution.

16 To cite these data centers within in one
17 of the State's, major wetland complexes will
18 further fragment this habitat leading to
19 reductions and even potentially extra
20 patients of plant and wildlife species.

21 I'm referring to the 20,000 acres of
22 natural areas that make up what is commonly
23 called the Alabama Swamp, including nearby
24 Tonawanda and John White Wildlife Management
25 areas. The mosaic of forests, wetlands,

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2 grasslands, this mosaic of forests,
3 wetlands, grasslands -- and grasslands
4 represents one of the few remaining large
5 contiguous habitat areas in the entire State
6 and that's true. We should be adding to
7 this land not further driving landscape
8 fragmentation.

9 The data centers themselves are cited
10 on wetland habitat. They may not be
11 jurisdictional wetlands, but the facilities
12 are planning for areas with high water table
13 and hybrid soils which are de facto wetlands
14 because the," soil's wet.

15 Earlier you were talking about before
16 this all started, you were talking to Eve
17 about it's all farmland. You know, it's not
18 really wetlands and I just wanted to say
19 like I've lost muck boots in corn fields.
20 Farmland can be wetlands, and it supports
21 wildlife. I mean, it's not ideal habitat,
22 but it supports wildlife. That's not even
23 that, that's me editorializing.

24 "The data centers themselves have cited
25 on wetland habitat. They may not be

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2 jurisdictional wetlands, but the facilities
3 are planned for areas with high water table
4 and hydro soils, de facto wetlands.

5 These areas are hydrologically connected
6 to the nearby Tonawanda Wildlife Management
7 area, along with the South Tonawanda Seneca
8 Nation lands. Runoff from these sites
9 strains west and north towards these lands,
10 threatening the aquatic and wetland
11 communities they're trying to protect. This
12 land is not empty wasteland, quite the
13 opposite. The area beyond belongs to a
14 significant raptor winter concentration
15 area, northern harrier and short-eared owl.
16 The data centers are also cited within one
17 of New York state's, DEC5 grassland Bird
18 Conservation centers.

19 The proposed centers also lie on the
20 edge of an important board area. IDA's are
21 globally rare wetlands and other habitats of
22 crucial value for birds. And these like
23 wildlife management areas were set up
24 because they're a crucial place for
25 migrating birds for all of this hemisphere."

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2 It's an important stop and it's not just
3 about this area. I mean this affects
4 everybody from like Chihuahua to like the
5 Yukon, you know, which I just feel like you
6 don't have jurisdiction.

7 "None of the data center's applicants
8 consider impacts for the thousands of
9 migratory birds that rely on that area.
10 Birds that likely breed in the area include
11 the cerulean warbler, blue-winged warbler,
12 (inaudible) warbler, and Bobolink. I'm sure
13 our (inaudible) can understand why that's
14 valuable economically, if even if I don't
15 want to get be too crude because you know,
16 they have inherent value.

17 But, you know, if that's what you care
18 about, you know, the call in the Bobolink is
19 like a tourist destination. Among other
20 species listed as species of greatest
21 concentration need in New York.

22 (Inaudible), a state-threatened bird has
23 recently occurred in the area, a state-
24 listed rare plant (inaudible) -- Latin
25 names. (Inaudible), a state-threatened

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2 plant. (Inaudible), which is really
3 important for wildlife too as a mass plant.
4 And the State endangered plant, (inaudible)
5 also lived downstream where all the runoff
6 and drainage has got to be contaminated of
7 the proposed data site.

8 The population of heart leaf plantain
9 numbers in the hundreds, making it by far
10 the largest population in the State. The
11 only other population in -- occurs in along
12 the Hudson River. Any of the facilities
13 will destroy small order streams which
14 provide unique values to fish and other
15 aquatic life. Vernal pools, small pool-like
16 wetlands downstream of the proposed site
17 support breeding wood frogs, Jeffersons, and
18 blue stock bottled salamanders.

19 The latter two amphibians listed as a
20 species of special concern in New York
21 State. These amphibians are highly
22 sensitive to small changes in water
23 chemistry. So, it's a salinity, pH, and the
24 presence of pollutants such as diesel fuel.
25 There is no way to treat salt waste that

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2 arises from runoff of parking lots-- cars.
3 And this is a major environmental impact.

4 Data centers generate noise complaints,
5 noise comparable to jet planes engines,
6 which will drive wildlife away, can
7 interfere with migration patterns.

8 Birds, mammals, insects, reptile
9 amphibian populations already face
10 staggering challenges to their survival and
11 do not need further insults, especially in
12 adjacent to areas protected as their
13 sanctuaries.

14 Finally, in all aspects of public
15 process pertinent to those projects, GCEDC
16 must follow the new Environmental Justice
17 Siting Law which prohibits projects that
18 impose disproportionate loosened burdens on
19 disadvantaged communities like the Tonawanda
20 Seneca Nation.

21 In addition, all three data center
22 proposals would violate the CLCPA, which it
23 safeguard against the string of polluting
24 facilities, New York disadvantaged
25 communities such as the Tonawanda Seneca

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2 Nation. Sincerely, Dr. Katherine Landis,
3 Master of Science, PhD, and Dr. Madeline
4 Nibla, Syracuse, New York."

5 And just to add some of my own comments.

6 HEARING MODERATOR: We're well past. We
7 gave you like five minutes.

8 MR. CATLIN: Okay, that's cool. Just to
9 add some of my own comments. Look, I just
10 want to say that like, people have talked a
11 lot about, you know, the site being adjacent
12 to Tonawanda Seneca Lands, but it's really
13 not. It's on Tonawanda Seneca Lands; it's
14 on stolen land.

15 And this whole area is stolen land,
16 right? And ultimately the decision to place
17 it there, to place it next to the big woods
18 to place it next to this -- the area that
19 the nation has been allowed to steward is
20 just a clear insult, right? It's an
21 unnecessary rule. It's just -- I mean, I
22 don't know if you care, but it's morally
23 wrong and like, I don't know, what else am I
24 supposed to say? It's morally wrong.
25 You're a bad person. I hope you have a hard

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2 time sleeping at night, but I doubt you do.

3 HEARING MODERATOR: Vicky Lawson.

4 MR. CATLIN: That goes for everybody
5 else involved.

6 MS. LAWSON: Hi, my name is Vicki
7 Lawson. I live 5.1 miles from a STAMP. I'm
8 in the (inaudible) district. I wasn't sure
9 if I was going to speak today or not. I
10 just wanted to come and listen and get
11 information. I knew some things about it.
12 I've been watching and listening for years
13 about it being that I've lived in my current
14 house since 2001. But I was hearing nothing
15 but bad about it. I was hoping that I would
16 hear more economic benefits from, you know,
17 dollar for dollar about -- because I knew
18 like over \$400 million of taxpayer money. I
19 don't want to pay for that anymore. I
20 don't. And I don't want to pay taxes,
21 especially if it like -- if it's going -- if
22 the STAMP plan is going to have something
23 that's going to hurt people in my community,
24 I don't want to pay taxes for that. And I
25 don't want to pay taxes if we have to then

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2 pay the legal costs for the damage done to
3 the people that work in that area, I don't
4 want to pay taxes for that. I need a bang
5 for my buck. I mean you're appointed by the
6 county legislature, right?

7 HEARING MODERATOR: I'm hired, but our
8 board is appointed by the (inaudible) --

9 MS. LAWSON: Okay. And then -- but they
10 are chosen -- the legislators are chosen by
11 the people who live there, one of which I
12 am. So, I would just say I feel now moved
13 that I'm going to have to contact
14 legislators about, you know, this
15 organization that's making this -- the
16 choice for my tax dollars. And I do live
17 here. And Katie, yours, she lives here.
18 And Sarah -- is it Sarah Johnson? The
19 people who have been here and spoke. And I
20 am just thankful that people came from so
21 far away. My husband would've been here
22 because he wanted to listen and learn more
23 as well. But he does work, and it was not
24 good that he was not able to come because if
25 taxpayers who are stakeholders in this

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2 should be invited to gain the knowledge how
3 it.

4 So, I don't want to pay taxes, I don't
5 want to pay for it, I don't want to pay for
6 it. I think it is time now that we have to
7 say that STAMP is not something that
8 taxpayers in Genesee County should subsidize
9 anymore. Thank you for your time.

10 HEARING MODERATOR: Jacob Clark.

11 MR. CLARK: Before I start, I'm curious,
12 I know this isn't a question-and-answer type
13 of thing. Would you be willing to let me
14 sit next to you in a chair at your level?
15 And I have reason for that.

16 HEARING MODERATOR: If you wish. Sure.

17 MR. CLARK: Can you still hear me with
18 this? If that's okay?

19 HEARING MODERATOR: Sure.

20 MR. CLARK: And again, I know it's not a
21 question and answer, but I'm going to hand
22 you this and I'm curious if you can read the
23 highlighted sections back to the public. My
24 name is Jacob Clark. I'm a registered
25 Tonawanda Seneca Clan member. I'm Bear Clan

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2 and I come to you again not as a question
3 and answer, but as an equal and as a
4 brother. So, I was kind of my brother. I'm
5 wondering why I'm here and have disturbance
6 and I'm not at peace. Can you read to me?
7 The highlighted yellow sections in the year

8 MR. MASSE: 1613.

9 MR. CLARK: Okay. What does the A1 say?

10 MR. MASSE: We shall address each other
11 as brothers. This shows that we are equal
12 to each other.

13 MR. CLARK: And what does A2 say?

14 MR. MASSE: The first was friendship.
15 The (inaudible) and their white brothers
16 will live in friendship. The second
17 principle is peace. There will be peace
18 between their two people. The final
19 principle is forever that this agreement
20 will last forever.

21 MR. CLARK: Can you turn the page,
22 please? Can you read the year of B?

23 MR. MASSE: 1787.

24 MR. CLARK: Can you read B1, please?

25 MR. MASSE: The Constitution, United

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2 citizens as members of a whole vesting the
3 power of the Union and the people.

4 MR. CLARK: Can you read B2, please?

5 MR. MASSE: This constitution and the
6 laws of the United States, which shall be
7 made in pursuance thereof and all treaties
8 made, or which shall be made under the
9 authority of the United States, shall be the
10 supreme law of the land.

11 MR. CLARK: Can you please read B3?

12 MR. MASSE: This aspect of the supremacy
13 clause reflected concerns that individual
14 states were jeopardizing the fledgling
15 nation security by putting the United States
16 in violation of its treaty obligations.

17 MR. CLARK: Can you turn the page C
18 please and hear -- there?

19 MR. MASSE: 1794.

20 MR. CLARK: And what is this?

21 MR. MASSE: Peace and friendship are
22 hereby firmly established and shall be
23 perpetual between the United States and the
24 six nations.

25 MR. CLARK: Can you read C2, please?

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2 MR. MASSE: The United States will never
3 claim the same nor disturb them or either of
4 the six nations nor their Indian friends
5 residing there on and united with them in
6 the free use and enjoyment thereof. But the
7 said reservations shall remain theirs until
8 they choose to sell the same to the people
9 of the United States who have right to
10 purchase.

11 MR. CLARK: Can you read D1, please, and
12 the year?

13 MR. MASSE: 1810. As what happened, all
14 too often during our nation's history, the
15 use of fraud, bribery, and false claims
16 resulted in the signing away of the Seneca
17 Land along the Buffalo Creek, including lots
18 94 and 95.

19 MR. CLARK: Can you read D2, please?

20 MR. MASSEY: 1838, March proceedings of
21 the Senate, the treaty had been obtained
22 from the set Indians through false
23 pretenses. Those included bribery, forgery,
24 alcohol abuse, and other means.

25 MR. CLARK: How about D3?

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2 MR. MASSE: 1855, George Whiting,
3 Assistant Secretary of the Interior Reports,
4 MR. Cutler and MR. Forward tried to bribe
5 Tonawanda. All the Indians refused. Both
6 Cutler and forward forged names on petition
7 documents sent to Washington DC and proved
8 previous Indian agents to be in collusion
9 with the company.

10 1857. The new treaty with the US allowed
11 the Tonawanda ban to buy back lands from the
12 Ogden Land Company, which had been sold out
13 without their permission in the treaties of
14 Buffalo Creek.

15 MR. CLARK: Can you read E1, please?

16 MR. MASSE: Current day. Now we need
17 executive assistance to get DEC to issue the
18 permits. Jeremy Cooney, New York State
19 Senator.

20 MR. CLARK: E2, please.

21 MR. MASSEY: Sean Maha. Interim
22 permission for the DEC. First off, I want
23 to thank you for the assistance and priority
24 focus put on getting the nine remaining
25 permits and clearances issued. Steve High

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2 GCDC, former president.

3 MR. CLARK: Again, I'm not at peace.

4 Thank you.

5 HEARING MODERATOR: James Burnett.

6 MR. BURNETT: Mr. Chairman, once again,
7 I'd like to yield my previous to whoever
8 bills overtime.

9 HEARING MODERATOR: Okay.

10 MR. BURNETT: Thank you.

11 HEARING MODERATOR: Annie Hope?

12 MS. HOPE: I'm resubmitting a letter
13 from the allies of the Tonawanda Seneca
14 Nation, Western New York Environmental
15 Alliance and 57 other environmental, faith,
16 human rights, and good governance groups.
17 Addressing the investment groups behind
18 Project Double Reed. Just want to name some
19 of the organizations that have signed off on
20 this letter. Alliance for a Green Economy.
21 Citizen Action of New York Clean Air
22 Coalition in Western New -- of Western New
23 York. Freshwater Future, Interfaith Climate
24 Justice Community, New York Lawyers for the
25 Public Interest, NYC Environmental Justice

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2 Alliance, New Yorker News Coalition, Sierra
3 Club Atlantic Chapter, Sierra Club Niagara
4 Group, and Western New York Peace Center.

5 Thank you.

6 MR. BURNETT: I'm sorry, can I
7 specifically my time to MS. Howard, my
8 colleague from Syracuse?

9 HEARING MODERATOR: If you wish, you'll
10 yield your time --

11 MR. BURNETT: Thank you.

12 MS. HOWARD: Sarah Howard, H-O-W-A-R-D,
13 Syracuse New York. I seated my time to
14 Joseph O'Malley. I knew that Mark didn't
15 want to hear any more from me. So, Joseph
16 read my statement about Project Double Reed.
17 I just want to reiterate that I oppose the
18 allocation of public monies to Project
19 Double STREAM, which will produce zero
20 public benefits and copious public harms.
21 And I want to make sure that everybody in
22 this room is aware that GCEDC has two board
23 meetings later this week, February 5 and
24 February 6th. I'm very sure that all of the
25 conversation will happen in executive

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2 session, as it always does, but you should
3 still watch that live stream or go to
4 Batavia, listen to what they're saying and
5 what they're not saying, and keep your eyes
6 on them. Watch those minutes, those minutes
7 that will come out of those meetings.
8 They're about to make some very critical
9 decisions. They've heard a lot here.
10 They've also received a lot of written
11 comments. I hope they will take the time
12 that is needed to actually review all of
13 those comments, sit with what's been said
14 here today, and make a decision that
15 actually reflects what the public wants and
16 does not want. Thank you

17 HEARING MODERATOR: Aurora Bursino
18 (phonetic).

19 MS. BURSINO: My name's Aurora Bursino
20 and I live in Ransom Mill, New York. Just
21 wanted to add on to like the stuff I said
22 earlier. I just have like some points I
23 wanted to go over. Just been reading up on
24 like what's been going on with this project
25 for basically since it started. But it's in

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2 violation of like a lot of laws. I'm not
3 going to go over every single one. But the
4 first one would be not consulting with the
5 Tonawanda Seneca Nation at any point in this
6 process relating to the STAMP project or any
7 of the data centers or any of the businesses
8 at STAMP is a violation of the Treaty of
9 Canandaigua. It is also clearly violating
10 the Climate Leadership and Community
11 Protection Act. And in a few ways, this
12 isn't even covering all of them. It would
13 add to the greenhouse gases instead of
14 limiting them, which the State has a limit
15 that they're trying to set and meet and not
16 go over.

17 It would also disproportionately burden
18 disadvantaged communities being right next
19 to the Tonawanda Seneca Nation.

20 Another one is the State constitutional
21 amendment for clean air and water passed,
22 which is I don't know if you remember, we
23 voted on a few years ago just saying that
24 like, we have a right to clean air and clean
25 water. Not a question and answer session,

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2 but I'm just wondering like, where is the
3 DEC? This seems like something that is
4 pretty pertinent to them. Where are they?
5 Why are they not here right now? Honestly,
6 where's the Fish and Wildlife Service? Why
7 are they not here? They should be here too.
8 DEC should be involved in monitoring the
9 STAMP project. And both agencies should be
10 present at these meetings in addition to
11 holding these after the majority of the
12 public gets out of work.

13 I was pretty lucky. I don't have to --
14 I didn't have to work today, but I actually
15 normally do. And I'll say this again.
16 Growth for the sake of growth is the
17 ideology of a cancer cell.

18 I speak in opposition to all three data
19 centers and ask that all applications be
20 denied. I'm also in opposition to any
21 industrial development at the STAMP project.
22 I'm against cutting down any of the old-
23 growth forests or disturbing any of the
24 wetlands that are fully encompassed and
25 surrounded by the John White Wildlife

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2 Management area, the Iroquois National
3 Wildlife Refuge, the Tonawanda Wildlife
4 Management area, and the Tonawanda Seneca
5 Nation.

6 None of these projects should be funded
7 by taxes or given any tax incentives. 700
8 gallons of drilling fluid has already been
9 spilled into the wetland from the
10 construction at STAMP. Plug Power is the
11 only current STAMP tenant in is financially
12 in ruin. Further proving that industrial
13 development at the STAMP site is a failure.
14 And I like what somebody said earlier, I
15 think we should rethink the STAMP project.
16 We should prioritize the rare jewel of old-
17 growth forests and extremely large and rare
18 intact wetlands. And I'll finish with this
19 again the Bob Dylan lyric, "All the money
20 you made will never buy back your soul."

21 HEARING MODERATOR: Christine Abrams.

22 MS. ABRAMS: Christine Abrams. I come
23 before you today as a citizen of the
24 Tonawanda Seneca Nation, Beaver Clan. And
25 as a mother, grandmother, and aunt, I live

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2 on the territory of the Tonawanda Seneca
3 nation and have all my life. I have opposed
4 the stand site development since the nation
5 first learned of it as a presentation by
6 GCEDC at our longhouse.

7 I come to not only state my overall
8 opposition to stand development and the
9 three data centers, but to -- but it's to
10 anything, everything that GCDC was to put at
11 that site. Anything and everything will
12 unpack the lands of our territory. The
13 animal life, plant life, all that exists
14 within our borders. But most of all the
15 people and all that live on the other side
16 of the woods, A.K.A, the buffer zone. A
17 fake term that's supposed to give some fake
18 comfort that there will be no harm to the
19 lands of the Tonawanda Seneca Nation.

20 We constantly hear you want to be good
21 neighbors, but the truth is we don't want
22 you as neighbors at all. Your staff
23 development -- the staff development will
24 certainly put a STAMP on what we will lose
25 on the other side of that buffer zone. You

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2 don't see us as a people living our lives as
3 a people of the nation, as whole nation with
4 its own governance, as a culture with
5 traditions and customs, our way of life.
6 Your blindness, your greed. The false
7 concern only continues the impacts
8 indigenous peoples have suffered at the
9 hands of colonialism and the stealing of
10 children. The stealing of our languages,
11 the stealing and destruction of our food and
12 many other atrocities. But on the other
13 side of those woods is our land, is our
14 government, is our language, is our
15 traditions, is our customs and usage, the
16 most importantly our mothers, fathers and
17 grandmothers and grandfathers, aunts and
18 uncles. But most importantly is our
19 children.

20 All that is on the other side of the
21 woods is at risk. And that risk increases
22 with a plan to put a data center right next
23 to the territory, and environmentally
24 unfriendly energy and water (inaudible)
25 monstrosity that certainly symbolizes what

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2 GCEDC is and what New York state is a
3 monster. A monster that is committing
4 cultural genocide because if the people can
5 no longer pick the medicine plant that help
6 the pain. If the people can no longer find
7 the strawberry, the leader of all berries to
8 make the soup for our strawberry ceremony.
9 If the people can no longer hunt the deer
10 that sustains families in the Winter or can
11 no longer see the moon or the stars at night
12 once with a clear view of its beauty and a
13 timetable for our ceremonies, that is
14 cultural genocide. And with those losses is
15 the loss of the knowledge that could no
16 longer be passed on to our children, then
17 there is cultural genocide.

18 Our ancestors fought for our present-day
19 territory in 1800. And in 1857, won in
20 court the right buyback their land. They
21 became involved in an unknown process to put
22 their trusted US Law for it was their duty
23 at that time and continues to be our duty
24 today. To protect our lands and give things
25 for all Mother Earth provides for us, for

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2 our future generations. Our ancestors
3 fought for us and we were and are a future
4 generation and we are still fighting for our
5 lands.

6 That is the life beyond those woods,
7 beyond the buffer zone that you refuse to
8 see. But it is my life, the life of the
9 people of the Tonawanda Seneca nation. It
10 is our home.

11 HEARING MODERATOR: Okay, I think that's
12 the last speaker that will end the public
13 hearing.

14 MS. JONES: Can I make one more?

15 HEARING MODERATOR: Sure, sure.

16 MS. JONES: Thank you. I didn't know I
17 had to sign up for the different ones.

18 HEARING MODERATOR: No, we get them all.

19 THE COURT REPORTER: Make sure you say
20 your name, please.

21 MS. JONES: Yes. My name is Karen Jones.
22 I spoke at the earlier hearing for one of
23 them, but I wanted those comments to
24 officially be for all three. I also wanted
25 to add just two brief things.

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2 Number one, it was my understanding that
3 the GCEDC was going to present the public
4 tonight with the financial incentives being
5 offered to one or all of the data centers
6 represented by Potentia, Rampart, and Double
7 Reed. We were given nothing in writing at
8 this hearing. Only a quick statement about
9 \$125 million sales tax exemption or
10 something-- something millions, mortgage tax
11 exemption and a supposed 143 million revenue
12 over 20 years, based on what?

13 No one here has been provided a single
14 cost-benefit analysis. No one was given a
15 piece of paper tonight backing up the claims
16 or explaining any such monies generated. I
17 accidentally found something about finances
18 by going to -- by Googling GCEDC public
19 hearing Town of Alabama, search, search,
20 search, search, search. And finally landed
21 back on your page when you announced on
22 January 24th. But the announcement you had
23 on January 24th changed on January 31st.
24 And it changed at noon, which is what our
25 comments were due. And I just want to

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2 reiterate that that is not the letter of the
3 law when it comes to this exact type of
4 hearing that is not giving the public the
5 opportunity to respond in any meaningful way
6 if we don't have a chance to look at
7 anything in writing, even at the hearing
8 itself.

9 And in that same line, you mentioned
10 that public comments would be open until
11 this Thursday, February 6th. And yet
12 someone mentioned tonight that there's a
13 board meeting this week on February 5th,
14 ostensibly to vote on this very hearing.

15 Clearly, you do not want public feedback
16 or transparency, and this is just heaping
17 and salt upon injury and is unacceptable and
18 really doesn't meet again the letter of the
19 law when it comes to what this hearing is
20 supposed to be about. Thank you.

21 MS.JONES: Thank you. My thing. You
22 asked for everybody else's, but --

23 HEARING MODERATOR: I mean we got it in
24 the transcript, but if you want to give it
25 to us, you can.

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2 MS.JONES: I just saw everybody else
3 giving one and you asking and you didn't
4 seem to want mine, so --

5 HEARING MODERATOR: Okay. I think that's
6 it. We'll close the public hearing. Thank
7 you everybody for attending. We appreciate
8 your comments. We will work on the
9 transcription and bring the information and
10 thank you.

11 FEMALE VOICE 1: Can I ask, are you
12 really going to vote on this?

13 FEMALE VOICE 2: People had all their
14 devices going on GCEDC. We were having our
15 meeting. Are you listening or are you
16 ignoring us by having your laptop in front
17 you or your phone or that not listening?

18 HEARING MODERATOR: Well, for one thing,
19 I am diabetic and my phone has my glucose
20 monitor and I kept checking my sugar level
21 throughout the meeting to ensure I wasn't
22 going to end up in any bad situation. So--

23 FEMALE VOICE 2: Talking about you in
24 the first place, I was talking about the guy
25 looking up his coat and the other guy in the

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2 corner.

3 HEARING MODERATOR: Well, they're our
4 legal firm and they were probably taking
5 notes on their laptops at the time the
6 meeting was going on.

7 FEMALE VOICE 2: Are you having a vote?

8 HEARING MODERATOR: I'm sorry. So are
9 our agendas were issued, and it is not on
10 the agenda. It is not going to be voted on
11 at the board meeting.

12 FEMALE VOICE 3: Okay. So, there won't
13 be any vote on this?

14 HEARING MODERATOR: No, we did not feel
15 like there would be sufficient time to be
16 able to get the transcript and everything
17 together to have the board have enough time
18 to review all the comments. So, it is not
19 on the board agenda. It will not be voted
20 on this week.

21 FEMALE VOICE 3: I hope you're going to
22 redo the hearing.

23 HEARING MODERATOR: And we'll take all
24 comments back and review them.

25 (Proceedings concluded.)

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2
3
4 I, Suzanne Saeed Tacker, do hereby certify
5 that I have reported in voice court reporting the
6 proceedings in the matter of the Public Hearing
7 Pursuant to New York State Eminent Domain Procedure
8 Law Section 203 Regarding STAMP Sewer Works
9 Corporation aka STAMP Sewer Works, Inc., at the
10 Alabama Volunteer Fire Department, 2230 Judge Road,
11 Alabama, New York, on July 27, 2023.

12
13 That the transcript herewith is a true, accurate and
14 complete record of my voice court reporting
15 software.

16
17
18
19 Suzanne Saeed Tacker, CCR

20 Certified Court Reporter

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