Genesee County Economic Development Center

Power People Incentives

Meeting Agenda – STAMP Committee
Genesee County Economic Development Center
Wednesday, September 2, 2026 - 8:00 a.m.
Location: 99 MedTech Drive, Innovation Zone

Page #'s	Topic	Discussion Leader	Desired Outcome
	1. Call to Order – Enter Public Session	P. Zeliff	
	1a. Executive Session Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 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. 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. 1b. Enter Public Session	P. Zeliff	
	2. Chairman's Report & Activities	P. Zeliff	
	2a. Agenda Additions / Deletions / Other Business		
2-5	2b. Minutes: August 5, 2026		Vote
	3. Discussions / Official Recommendations to the Board:		
	3a. SEQR Update	M. Masse	Discussion
6	3b. Topsoil Request	M. Masse	Disc / Vote
7-8	3c. Moving of Force Main Pipe and Appurtances	M. Masse	Disc / Vote
9-13	3d. Phillips Lytle as Special Counsel	M. Masse	Disc / Vote
	4. Adjournment	P. Zeliff	Vote

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DRAFT

GCEDC STAMP Committee Meeting
Wednesday, August 5, 2026
Location: 99 MedTech Drive, Innovation Zone
8:00 a.m.
MINUTES

ATTENDANCE

Committee Members:	C. Kemp, P. Zeliff, C. Yunker
Staff:	M. Masse, L. Farrell, K. Galdun, C. Suozzi
Guests:	M. Fitzgerald (Phillips Lytle), L. Mancuso (GCEDC Board Member), R. Crossen (Town of Alabama Supervisor), S. Hauser (The Daily News), H. Schultz (Town of Alabama – Board Member)
Absent:	M. Gray

1. Call to Order / Enter Public Session

P. Zeliff called the meeting to order at 8:17 a.m. in the Innovation Zone.

1a. Executive Session

C. Kemp made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 8:18 a.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. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such a 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.

All guests, excluding GCEDC Board members, legal counsel, H. Schultz, and R. Crossen, left the meeting at 8:18 a.m.

1b. Re-Enter Public Session

C. Yunker made a motion to enter back into public session at 8:57 a.m., seconded by C. Kemp and approved by all.

Guests re-entered the meeting at 8:57 a.m.

2. Chairman's Report & Activities

2a. Agenda Additions / Deletions/ Other Business – Nothing at this time.

2b. Minutes: July 1, 2026

C. Yunker made a motion to approve the July 1, 2026 minutes; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3. Discussions / Official Recommendations to the Board:

3a. Brush Hogging Bids – At the previous STAMP Committee meeting, the Committee considered the procurement of brush hogging services required for compliance with the New York State Department of Environmental Conservation (DEC) Part 182 Permit.

Staff solicited quotes from 12 contractors for the required brush hogging services. Prior to the Board meeting, only one responsive quotation was received in the amount of $21,000.

During the Committee's discussion, members expressed concern that the quoted cost appeared excessive for the scope of work and determined that additional options should be explored before proceeding with an award. As a result, no action was taken on the procurement, and the agenda item was tabled.

Following the meeting, staff explored the possibility of obtaining the required services through a shared services arrangement with the County or Town of Alabama. Those efforts were unsuccessful, as both the County and Town indicated they are currently unable to perform the work.

In light of the Board's direction to seek additional competition, staff reissued a request for quotes using the same scope of work. The request was distributed to all contractors originally solicited, along with 12 additional contractors identified as potential service providers. The objective of reissuing the request was to increase competition and obtain the best value for the GCEDC while ensuring the required mowing is completed in accordance with the DEC Part 182 Permit between August 15th and September 30th.

Bid results were included with the meeting materials. Fava Brothers was the lowest bidder that meets all of the requirements, with a bid in the amount of $3,800. Staff recommends awarding the contract to Fava Brothers, to be paid from the Part 182 mitigation account.

C. Yunker made a motion to recommend to the full Board the approval of the bid with Fava Brothers in the amount of $3,800 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3b. Appointment of Phillips Lytle as Special Counsel – This item was discussed during executive session and it was decided to discuss further at the full Board meeting, therefore, no action was taken.

3c. Change Order – Milherst Construction – In June of 2025 the GCEDC went out to bid for onsite sewer lines and pump station that would connect the sewer outfall at the Edwards site to the hold and haul tank. The GCEDC awarded the bid to Milherst Construction for $526,700. This contract was awarded as a unit price contract that had estimates in the design and bid packets for the amount and length of material needed to complete the project. During construction of the project there were a few items that the actual cost had exceeded the estimated lengths and quantities included in the bid design. That resulted in a change order increase of $80,147.87

Fund Commitment: Additional $80,147.87

Committee Action Request: Recommend approval to the full Board of the change order presented here to pay an additional $80,147.87 from the FAST NY funds.

C. Kemp made a motion to recommend to the full Board the approval of the change order with Milherst Construction in the additional amount of $80,147.87 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

3d. GHD Invoice Increase – Acoustic Study Review – The GCEDC had a proposal from GHD to peer review the acoustics study provided by STREAM Data Centers U.S. for the proposed project at STAMP that was approved in March for the $13,730 to be covered under the reimbursement agreement with STREAM. At the May 7th meeting there was an approval to increase that contract by $14,650. We have completed the study and due to multiple reviews there is one final increase of $6,000.

Fund Commitment: $6,000 to be covered under the reimbursement agreement with STREAM.

Committee action request: Recommend approval of the proposal.

C. Yunker made a motion to recommend to the full Board the approval of the contract increase with GHD in the amount of an additional $6,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was tabled as presented.

3e. RG & E Deposit – The GCEDC approved a Letter of Intent (LOI) with RG&E at the June 4th Board meeting. That LOI's scope of work was for the improvements at an RG&E owned substation as described in the SIS study completed by the NYISO for the second 300 mw request for the STAMP site. This deposit is the first milestone payment towards that work.

Fund Commitment: $500,000

Committee Action Request: Recommend to the full Board the approval of the deposit.

M. Masse stated that he anticipates bringing the agreement forward at the next meeting that will have the milestone payment dates listed out for future payments.

C. Yunker made a motion to recommend to the full Board the approval of the deposit with RG&E in the amount of an additional $500,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was tabled as presented.

4. Adjournment

As there was no further business, C. Yunker made a motion to adjourn at 9:03 a.m., seconded by C. Kemp and passed unanimously.

Topsoil request

Discussion: Lamb Farms is working on completing a bunk expansion at their heifer farm and need 3,400 cubic yards and asked if the GCEDC could provide them with that from the stockpile at the STAMP site. They need some topsoil for the vegetative treatment area.

They are aware of the permitting restrictions regarding soil relocation, but wanted to note that they hold a SPDES permit for this construction.

Fund Commitment: None.

Committee Action request: Recommend approval of allowing Lamb Farms to utilize 3,400 cy of topsoil for their project.

Moving of forcemain pipe and appurtances

Discussion: The GCEDC owns pipe and appurtances that was to be used in the force main to Orleans County. That material is currently being stored at a lot that Highlander Construction is renting. We are looking to move the pipe to a storage lot at the Ag Park. The original quote included in their contract was to move it to STAMP.

Fund Commitment: $24,580.64.

Committee Action request: Recommend approval of the proposal.

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HIGHLANDER CONSTRUCTION INC.

5774 KESTER RD MEMPHIS, N.Y. 13112-9775
VOICE (315)689-9661 FAX (315)689-6590

Date: 8/25/26 **Extra Work Order- #14**

Project: STAMP Force Main Contract B

Description of Work Performed: Additional cost to move materials from Highlander Storage Area to new Ag-Park location Total of 19 loads of material to be moved. Additional one hour per each load for trucking and labor.

LABOR	HOURS	RATE	AMOUNT	EQUIPMENT	HOURS	RATE	AMOUNT
Foreman	19.00	$94.41	$1,793.79	Crew Truck	19.00	$56.80	$1,079.20
A-Operator	19.00	$94.41	$1,793.79	Cat 926 Loader	19.00	$95.16	$1,808.04
A-Operator	19.00	$94.41	$1,793.79	Cat 926 Loader	19.00	$95.16	$1,808.04
Laborer	19.00	$61.53	$1,169.07				
Laborer	19.00	$61.53	$1,169.07				
Insurance 29.92%		7719.51	$2,309.68				
TOTAL LABOR			$10,029.19				
MATERIALS	**UNIT**	**PRICE**	**AMOUNT**	**TOTAL EQUIPMENT**			$4,695.28
				MISCELLANEOUS			
				Trucking	19.00	$175.00	$3,325.00
				Trucking	19.00	$175.00	$3,325.00
						Total	$6,650.00
				LABOR	$10,029.19		$10,029.19
				EQUIPMENT	$4,695.28		$4,695.28
				MATERIAL	$0.00		$0.00
				MISCELLANEOUS	$6,650.00		$6,650.00
				SUB-TOTAL	$21,374.47		$21,374.47
				Overhead & Profit 15%	$3,206.17		$3,206.17
				TOTAL	$24,580.64		$24,580.64
MATERIAL			$0.00	**TOTAL WORK ORDER**	$24,580.64		$24,580.64

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GCEDC
STAMP Committee Report
September 2, 2026

Phillips Lytle as Special Counsel

At the August 6th board meeting, the board approved the engagement of Phillips Lytle as Special Counsel in connection with the recent litigation filed by the Sierra Club, the Tonawanda Seneca Nation and Leeann Mullen with an initial authorization not to exceed $10,000. Since that meeting, the GCEDC has been formally served with the litigation.

GCEDC's D&O insurance carrier has denied coverage. Phillips Lytle has responded with an appeal and we are currently awaiting the carrier's response.

Staff recommends that the board discuss and approve of one of the following options. Both options include the initial $10,000 previously authorized:

1) Approve a total authorization of up to $75,000 for legal expenses to cover the insurance deductible, or

2) Approve a total authorization of up to $120,000 for legal expenses should GCEDC proceed without insurance coverage.

Via E-Mail
Personal and Confidential

August 27, 2026

Mark A. Masse
President and CEO
Genesee County Economic Development Center
99 MedTech Drive, Suite 106
Batavia, NY 14020

Re: Proposed Engagement Letter for IZA Litigation

Dear Mark:

Thank you very much for the opportunity to continue to assist the Genesee County Economic Development Center (and its affiliates) with the STAMP Project. The purpose of this letter is to supplement our existing engagements with an additional scope of work. This supplement describes generally work relating to the defense of litigation filed by the Sierra Club, the Tonawanda Seneca Nation and Leeann Mullen challenging the validity of the STAMP Technology Zoning District created by the Town of Alabama in 2012. The proposed scope of representation is set forth on the attached "Proposed Scope of Work". Upon receipt of your approval, we will bill you on a monthly basis for such work as fees and disbursements are incurred, consistent with our existing engagements.

ATTORNEYS AT LAW

MATTHEW J. FITZGERALD PARTNER DIRECT 716 847 5402 MFITZGERALD@PHILLIPSLYTLE.COM

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NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | CHICAGO, IL | WASHINGTON, DC | CANADA: WATERLOO REGION

3d

If you are in agreement with the foregoing, please confirm the same by signing and returning a copy of this letter to me.

Of course, if you have any questions, please let me know.

Thanks again.

Very truly yours,

Phillips Lytle LLP

By Matthew J. Fitzgerald /s/

Matthew J. Fitzgerald
MJF
Doc #13602529.1

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August 27, 2026

Genesee County Economic Development Center has reviewed and agreed to the above terms of engagement of Phillips Lytle LLP for the purposes and to the extent described in this letter.

Genesee County Economic Development Center

By____________________________________
Mark A. Masse, President and CEO

Date ________________________________

Doc #13602529.1

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STAMP Project - 8/27/26 Phillips Lytle Engagement Letter
Proposed Scope of Work for Litigation Defense

1. On July 13, 2026, the Sierra Club, the Tonawanda Seneca Nation and Leeann Mullen filed an action in State Supreme Court challenging the validity of the creation of the STAMP Technology Zoning District created by the Town of Alabama in 2012 on various grounds. The litigation appears to stem from the Plaintiff's opposition to the proposed Stream U.S. Data Centers, LLC, ("Stream") project - a collateral attack on the underlying zoning for STAMP. At its August 6, 2026 Board Meeting, GCEDC appointed Phillips Lytle special counsel in this litigation for preliminary work in an amount not to exceed $10,000.

Since that time, GCEDC has been formally served with the Complaint and supporting documentation and Phillips Lytle has reviewed the papers and developed initial approaches to defend the validity of the STAMP Technology Zoning District. Phillips Lytle will now prepare responsive papers to the lawsuit and appear in State Supreme Court to represent the GCEDC's interests pending a final determination on the validity of the claims brought.

Est. Additional Legal Fees: $80,000.00 - $120,000.00 (inclusive of the initial $10,000 allocation).

Doc #13602529.1