DRAFT

GCEDC STAMP Committee Meeting
Wednesday, September 2, 2026
Location: 99 MedTech Drive, Innovation Zone
8:00 a.m.
MINUTES

ATTENDANCE

Committee Members:	C. Kemp, P. Zeliff, M. Gray, C. Yunker (Video Conference)
Staff:	M. Masse, K. Galdun, C. Suozzi, J. Krencik, P. Heimlich
Guests:	M. Fitzgerald (Phillips Lytle), L. Mancuso (GCEDC Board Member), R. Crossen (Town of Alabama Supervisor), M. Landers (Genesee County Manager), Sol Hauser (The Daily News)
Absent:	

1. Call to Order / Enter Public Session

P. Zeliff called the meeting to order at 8:00 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 8:00 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 M. Gray and approved by all members present.

C. Yunker left the meeting at 8:06 a.m.

C. Yunker re-joined the meeting at 8:07 a.m.

1b. Re-Enter Public Session

C. Kemp made a motion to enter back into public session at 8:31 a.m., seconded by M. Gray and approved by all.

S. Hauser joined the meeting at 8:31 a.m.

2. Chairman's Report & Activities

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

2b. Minutes: August 5, 2026

M. Gray made a motion to approve the August 5, 2026 minutes; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - N/A (Video Conference)
M. Gray - Yes
C. Kemp - Yes

The item was approved as presented.

<u>3. Discussions / Official Recommendations to the Board:</u>

3a. SEQR Update – M. Masse updated the Committee on the SEQR process for the STREAM US Data Centers project. He stated that draft versions of the public comment summaries and responses, as well as the proposed SEQR resolution and memorandum, have been received. These materials will be posted to the website, along with an additional geotechnical memorandum prepared in response to inquiries and concerns regarding this area.

Following further discussion regarding the geotechnical memorandum, M. Masse stated that a wetland delineation had also been submitted to the DEC, despite the GCEDC's disagreement with the requirement to do so, and has been posted to the website. He stated that they are confident the concerns raised have been adequately addressed in a manner that minimizes potential environmental impacts. M. Masse continued by reviewing several additional concerns and the measures being taken to address them.

In closing, M. Masse stated that he would continue working with STREAM to finalize the site plan and other project details, after which the project would be brought forward for approval.

3b. Topsoil Request – Lamb Farms is working on completing a bunk expansion at their heifer farm and needs 3,400 cubic yards of topsoil and asked if the GCEDC could provide them with that from the stockpile at the STAMP site. They need some topsoil for the vegetation 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 cubic yards of topsoil for their project.

M. Gray made a motion to recommend approval to the full Board of allowing Lamb Farms to utilize 3,400 cubic yards of topsoil as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - N/A (Video Conference)
M. Gray - Yes
C. Kemp - Yes

The item was recommended for approval as presented.

Genesee County Economic Development Center
99 MedTech Drive, Batavia, New York 14020
Phone: 585-343-4866 Fax: 585-343-0848
Email: gcedc@gcedc.com Web: www.gcedc.com

3c. Moving of Force Main Pipe and Appurtances – The GCEDC owns pipe and appurtances that were 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 to the full Board of the proposal.

Following a brief discussion regarding the quote received, P. Zeliff suggested contacting the company to determine whether the $6,650 miscellaneous charge could be removed.

M. Gray made a motion to recommend to the full Board approval of the proposal from Highlander Construction subject to the removal of the $6,650 miscellaneous charge as presented; The motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - N/A (Video Conference)
M. Gray - Yes
C. Kemp - Yes

The item was approved as presented.

3d. 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.

M. Fitzgerald clarified that the range in cost was due to the unknown factor of how much work they would also potentially be doing for the Town of Alabama.

C. Kemp made a motion to recommend to the full Board the approval of appointing Phillips Lytle as Special Counsel, for the current litigation and approve funds to be expended up to $120,000 in the event the GCEDC must proceed without insurance coverage as presented; the motion was seconded by M. Gray. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - N/A (Video Conference)
M. Gray - Yes

C. Kemp - Yes

The item was approved as presented.

4. Adjournment

As there was no further business, C. Kemp made a motion to adjourn at 8:43 a.m., seconded by M. Gray and passed unanimously.