

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency" or "GCEDC") was convened in public session at the offices of the Agency located at 99 MedTech Drive, Suite 106, City of Batavia, County of Genesee, New York, on October 3, 2024, at ___:00 __p.m., local time.

The meeting was called to order by the Vice Chair and, upon roll being called, the following members of the Agency were:

PRESENT:

~~Peter Zeliff, Chairman~~
Matthew Gray
~~Craig Yunker~~
Paul J. Battaglia
Chandy Kemp
Kathleen Manne
Marianne Clattenburg

ABSENT:

Peter Zeliff, Chairman
Craig Yunker

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Masse	President & CEO
Matthew Fitzgerald	Legal Counsel

The attached resolution no. 04 was offered by P. Battaglia seconded by K. Manne.

Resolution No. 10-24-04

RESOLUTION DECLARING THE INTENT OF THE GENESEE COUNTY
ECONOMIC DEVELOPMENT CENTER TO ACT AS LEAD AGENCY
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

Project Name: Western new York Science and Technology Advanced
Manufacturing Park ("STAMP") - Project Hydroscale

Location: 6840 Crosby Road, Town of Alabama, NY 14013 ("Site")

WHEREAS, the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Corporation ("GCEDC"), in conjunction with the Genesee Gateway Local Development Corporation ("GGLDC"), the non-profit real estate affiliate of the GCEDC, STAMP Sewer Works, Inc. ("SSW"), and STAMP Water Works, Inc. ("SWW"), have been working on the development of the Western New York Science & Technology Advanced Manufacturing Park ("STAMP" or the "Project"), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway ("Site") in the Town of Alabama, New York ("Town"); and

WHEREAS, the Agency is authorized and empowered by the provisions of the Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-e of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, development of STAMP has undergone comprehensive review of potential environmental impacts pursuant to the State Environmental Quality Review Act ("SEQRA"), resulting in the completion of Final Generic Environmental Impact Statement ("FGEIS") and the issuance of a written Findings Statement ("**2012 Findings**") on March 12, 2012 (collectively, the FGEIS and the 2012 Findings are referred to as the "**STAMP GEIS**"); and

WHEREAS, subsequent development and modifications to STAMP have undergone additional SEQRA review including a smart growth impact statement ("**SGIS**"); a 2016 Amended Findings Statement to the FGEIS ("**2016 Amended Findings**"); a 2020 Amended Findings Statement to the FGEIS ("**2020 Amended Findings**"); a 2021 a SEQRA determination ("**2021 SEQR Determination**"); a 2022 SEQR update ("**2022 SEQR Update**"); a negative declaration issued in 2022 ("**2022 Negative Declaration**"); an amendment to the 2022 Negative Declaration ("**2022 Second Amended Negative Declaration**"); a negative declaration in 2023 (the "**February 2023 Negative Declaration**"); and an additional negative declaration in 2024 (the "**2024 Negative Declaration**"); and

WHEREAS, together, the GEIS, the 2012 Findings, the SGIS, the 2016 Amended Findings, the 2020 Amended Findings, the 2021 SEQR Determination, 2022 SEQR Update; 2022 Negative Declaration, 2022 Amended Negative Declaration, 2022 Second Amended Negative Declaration, the February 2023 Negative Declaration, and the 2024 Negative Declaration constitute the prior environmental reviews for STAMP (collectively, these documents, including each and every supporting document referenced therein, are referred to as the "**STAMP GEIS**"); and

WHEREAS, in connection with the Project, the Agency received an application for the purchase of land for a proposed construction and operation of a data center project at STAMP ("**Project Hydroscale**")

WHEREAS, in light of Project Hydroscale application, and pursuant to SEQRA, the Agency must satisfy the requirements contained in SEQRA to determine whether Project Hydroscale will result in any significant adverse environmental impacts that were not addressed in the STAMP GEIS; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Agency, having served as the Lead Agency for all development related to STAMP since its inception, proposes to conduct a coordinated review for this Type I action and believes, as the entity with primary responsibility for the review and

implementation of Project Hydroscale, that it is in the best position to investigate all potential impacts associated with Project Hydroscale (in close cooperation with relevant regulatory authorities), and has the authority to impose any and all appropriate mitigation measures. Thus, the Agency declares its intent to act as Lead Agency for Project Hydroscale.

Section 2. The Agency requests that all involved agencies have the appropriate personnel within each agency review Part 1 of the Environmental Assessment Forms ("EAFs") and provide the Agency with any comments the Agency should consider concerning Lead Agency status for Project Hydroscale.

Section 3. The President CEO and the Senior Vice President of Operations of the Agency are hereby authorized and directed to distribute appropriate notice of this Resolution to all potential interested and/or involved agencies and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. This Resolution, which was adopted by a majority vote of the Agency on October 3, 2024, shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Peter Zelif	VOTING	<u>Absent</u>
Matthew Gray	VOTING	<u>Yea</u>
Paul Battaglia	VOTING	<u>Yea</u>
Marianne Clattenburg	VOTING	<u>Yea</u>
Chandy Kemp	VOTING	<u>Yea</u>
Kathleen Manne	VOTING	<u>Yea</u>
Craig Yunker	VOTING	<u>Absent</u>

The foregoing Resolution was thereupon declared duly adopted.

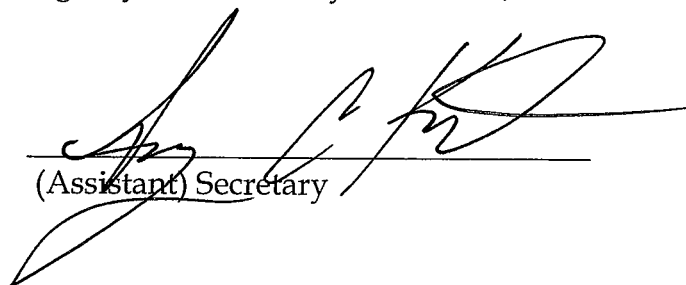
STATE OF NEW YORK)
) SS.:
COUNTY OF GENESEE)

I, the undersigned (Assistant) Secretary of the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the Agency, including the Resolution contained therein, held on October 3, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 3rd day of October, 2024.



(Assistant) Secretary