



GCEDC STAMP Committee Meeting
Wednesday, February 1, 2023
Location: 99 MedTech Drive, Innovation Zone
8:00 a.m.

MINUTES

ATTENDANCE

Committee Members: P. Zelif, C. Kemp, M. Clattenburg
Staff: M. Masse, J. Krencik, S. Hyde, L. Casey, L. Farrell, C. Suozzi (Video Conference), P. Kennett
Guests: R. Crossen (Town of Alabama Supervisor/Video Conference), M. Fitzgerald (Phillips Lytle/Video Conference), M. Landers (County Manager)
Absent: C. Yunker

1. Call to Order / Enter Public Session

P. Zelif called the meeting to order at 8:02 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 8:02 a.m., for the following reasons:

1. Discussions regarding proposed, pending, or current litigation.
2. 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.
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 M. Clattenburg and approved by all members present.

1b. Re-Enter Public Session

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

2. Chairman's Report & Activities

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

2b. Minutes: January 11, 2023

M. Clattenburg made a motion to approve the January 11, 2023 minutes; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zelif - Yes
C. Yunker - Absent
M. Clattenburg – Yes
C. Kemp - Yes

The item was approved as presented.

3. Discussions / Official Recommendations to the Board:

3a. SEQR Resolution – In the SEQR resolution, which was included with the meeting materials, was the timeline and record of previous action taken on SEQR by the GCEDC as Lead Agency. The resolution also describes the scope of the items analyzed under this SEQR review.

M. Fitzgerald stated that at a high level this SEQR covers 1) the Edwards Vacuum project, 2) the Scannell Properties project and 3) infrastructure updates. It also responds to the concerns by the Nation and DEC. The GCEDC has taken a hard look at the impacts and can recommend a negative declaration consistent of findings with the EIS.

Having considered the Environmental Information, STAMP Environmental Record, and having considered the relevant environmental impacts, associated with the Current Proposed STAMP Development, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that:

- (i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and
- (ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Fund commitment: None.

Committee action request: Recommend to the full Board that the Agency adopt by a majority vote the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)), and is issued by the Agency pursuant to and in accordance with SEQRA, shall take effect immediately.

Resolution No. 02/2023 – 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER TO AMEND A
NEGATIVE DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY
REVIEW ACT CONCERNING CURRENT PROPOSED STAMP DEVELOPMENT THE
WESTERN NEW YORK SCIENCE & TECHNOLOGY ADVANCED MANUFACTURING
PARK.

C. Kemp made a motion to recommend to the full Board the approval of the SEQR Resolution 02/2023 – 01 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Zeff - Yes
C. Yunker - Absent
M. Clattenburg – Yes
C. Kemp - Yes

The item was approved as presented.

3b. Authorizing Resolution for Edwards Vacuum, LLC – Included with the meeting materials was a Purchase and Sale Agreement and Ground lease Agreement for Edwards Vacuum. A summary of those agreements is outlined in *3b1.* and *3b2.*

Resolution No. 02/2023 – 03

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") AUTHORIZING (i) THE SALE OF A PORTION OF CERTAIN AGENCY-OWNED REAL PROPERTY TO EDWARDS VACUUM, LLC, (ii) THE LEASE OF AN ADDITIONAL PORTION OF AGENCY-OWNED REAL PROPERTY TO EDWARDS VACUUM, LLC FOR USE AS A CONSTRUCTION STAGING AND PARKING AREA AND (iii) THE EXECUTION OF A PURCHASE AND SALE AGREEMENT, A DEED, ANY EASEMENT AGREEMENTS IN CONNECTION THEREWITH, A GROUND LEASE, AND ANY RELATED DOCUMENTS IN CONNECTION THEREWITH.

C. Kemp made a motion to recommend to the full Board the approval of Authorizing Resolution 02/2023 – 03 and payment of legal fees not to exceed \$25,000 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Zeff - Yes
C. Yunker - Absent
M. Clattenburg – Yes
C. Kemp - Yes

The item was approved as presented.

3b1. PSA – The GCEDC has received a Purchase and Sale Agreement from a potential project to acquire approximately 50 acres for portions of tax parcel 10.-1-13.1 and part of 10.-1-15.11 for \$3,750,000.

Fund Commitment: Legal fees to Harris Beach not to exceed \$25,000.00 based on time and billing for the transaction.

3b2. Ground Lease Agreement - The GCEDC has received a Ground Lease Agreement with a right of first refusal from a potential project to lease approximately 30 acres for portions of tax parcel 10.-1-13.1 and part of 10.-1-15.11 in exchange for certain improvements made to the property.

Fund Commitment: None.

3c. Option Agreement for Scannell Properties – Discussion: The GCEDC has received an Option Agreement with a right of first refusal from Scannell Properties to lease approximately 88 acres for portions of tax parcel 10.-1-39.11, 10.-1-39.122, and 10.-1-43.12.

Fund Commitment: None.

Committee Action Request: Recommend approval of Letter of Intent for Option Agreement.

Resolution No. 02/2023 – 04

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE “AGENCY”) AUTHORIZING (i) THE OPTION TO PURCHASE CERTAIN AGENCY-OWNED REAL PROPERTY GRANTED TO SCANNELL PROPERTIES, LLC (THE “COMPANY”), OR ITS PERMITTED ASSIGNS (ii) THE EXECUTION OF AN OPTION TO PURCHASE BY AND BETWEEN THE AGENCY AND THE COMPANY.

M. Clattenburg made a motion to recommend to the full Board the approval of Authorizing Resolution 02/2023 – 04 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeff - Yes
C. Yunker - Absent
M. Clattenburg – Yes
C. Kemp - Yes

3d. Phillips Lytle 2023 Fees - Phillips Lytle prepared a proposal, which was included with the meeting materials, to cover the scope of work for the first six months of 2023 as it relates to Tech Team support for the off-site sewer permitting and wetland permitting, the wastewater treatment facility permitting, and force main installation.

Fund Commitment: Not to exceed \$100,000 to be included in the \$8 million.

Board Action Request: Recommend approval to the full Board of Phillips Lytle contract not to exceed \$100,000.

M. Clattenburg made a motion to recommend to the full Board the approval of legal fees to Phillips Lytle in 2023 not to exceed \$100,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeff - Yes
C. Yunker - Absent
M. Clattenburg – Yes
C. Kemp - Yes

3e. Phillips Lytle – Additional Legal Services - Phillips Lytle prepared a proposal, which was included with the meeting materials, to cover the scope of work related to assistance in obtaining up to ten easements for the force main installation.

Fund Commitment: Not to exceed \$90,000.

Board Action Request: Recommend approval to the full Board of Phillips Lytle contract not to exceed \$90,000, which includes eminent domain without challenge.

M. Clattenburg made a motion to recommend to the full Board the approval of the Phillips Lytle contract to assist with obtaining easements not to exceed \$90,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeff - Yes
C. Yunker - Absent
M. Clattenburg – Yes
C. Kemp - Yes

3f. Easement Agreements - In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. We are seeking approval of the following easements:

1. Permanent Easement 10 - \$675
2. Permanent Easement 15A, 15B and Temporary Easement 23 – \$2,875
3. Temporary Easement 29 - \$500
4. Permanent Easement 17 - \$850

Fund Commitment: \$4,900 from the \$33 million.

Board Action Request: Approval of payment of \$4,900 to the holders of the easement numbers identified above.

M. Clattenburg made a motion to recommend to the full Board the approval of the ROW easement payments not to exceed \$4,900 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeff - Yes
C. Yunker - Absent
M. Clattenburg – Yes
C. Kemp - Yes

4. Adjournment

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