



**Thursday, January 7, 2016**  
**STAMP Committee Meeting - GCEDC**  
**Innovation Zone Conference Room**  
**3:00 pm**  
**MINUTES**

**ATTENDANCE**

Committee Members: P. Zelif, J. Rizzo, P. Battaglia  
GCEDC / GGLDC Board Members:  
Staff: S. Hyde, M. Masse, C. Suozzi, R. Tabelski, E. Richardson  
Guests: Adams Walters (Phillips Lytle), Jay Gsell (Genesee County), E. Wells (e3communications)  
Absent:

**1. Call To Order / Enter Public Session**

P. Zelif called the meeting to order at 3:00 p.m. in the Innovation Zone Conference Room

**2. Executive Session**

P. Battaglia made a motion to enter into the executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 3:00 pm, 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.

The motion was seconded by J. Rizzo and approved by all members present.

**Re-Enter Public Session**

P. Battaglia made a motion to enter back into public session at 3:51 p.m., seconded by J. Rizzo and approved by all.

**3. Chairman's Report & Activities**

**3a. Agenda Additions / Other Business** – Nothing at this time.

**3b. Minutes: November 24, 2015**

**J. Rizzo made a motion to approve the Minutes from November 24, 2015; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Zelif - Yes  
J. Rizzo - Yes  
P. Battaglia - Yes

**The item was approved as presented.**

#### **4. Discussions / Official Recommendations to the Board:**

**4a. Presentation – Earl Wells: e3communications Contract Renewal - \$24,000** – R. Tabelski shared that e3communications, a Buffalo based public relations firm with vast experience with IDA operations and issues, has submitted their 2016 contract for services related to the WNY STAMP project. e3communications has supported the public relations activities of the agency and of the WNY STAMP project since 2012 when their original contracts were approved. R. Tabelski introduced E. Wells who gave a brief overview of his work the past year.

R. Tabelski asked the Committee to recommend approval of the e3communications contract for public relations services related to the WNY STAMP project, not to exceed \$24,000. 50% of this contract will be reimbursed by the National Grid STAMP marketing grant and the other 50% will be covered by GCEDC budgeted matching funds.

**P. Battaglia made a motion to recommend approval of the e3communications contract for public relations services related to the WNY STAMP project, not to exceed \$24,000 to the full Board; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

P. Zelif - Yes  
J. Rizzo - Yes  
P. Battaglia - Yes

**The item was approved as presented.**

**4b. First Amendment to Post Closing Occupancy Agreement – Parcel 10.-1-7** – M. Masse shared that the GCEDC purchased parcel 10.-1-7 from its property owner and entered into a Post-Closing Occupancy Agreement on June 10, 2015. The property owner needed to close on the sale so they could obtain a construction loan to build a new residence. Due to changes in the banking industry, they have been unable to obtain a construction loan. They are seeking an extension on the post-closing occupancy agreement until September 30, 2016.

P. Battaglia asked if the current tenants were paying rent.

M. Masse shared that the current tenants are paying rent which consists of the carrying costs (i.e. insurance, real estate taxes).

P. Zelif asked when the Agency will start demolition of some of the houses that are currently located at the STAMP site.

M. Masse shared that the plan is to start some demolition this summer after a pre-demolition asbestos survey has been completed for each house.

P. Battaglia wonders what will change in the current situation of the tenants in the next 9 months. If they are having trouble securing a construction mortgage now, who's to say they won't be in the same situation several months from now. Instead of extending this agreement to a time that might be causing the Agency an inconvenience, why not extend it to a point that it would not interfere with the Agency's plans for demolition. He suggests an expiration date of June 30, 2016 for the First Amendment.

M. Masse asked the Committee to recommend approval to the full Board the First Amendment to the Post-Closing Occupancy Agreement for parcel 10.-1-7.

**P. Battaglia made a motion to recommend approval of the First Amendment to the Post-Closing Occupancy Agreement for Parcel 10.-1-7 set to expire June 30, 2016 to the full Board; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

P. Zelif - Yes  
J. Rizzo - No  
P. Battaglia - Yes

**The item was approved as presented.**

**4c. Acceptance of Draft Grant Disbursement Agreement – Empire State Development (ESD) \$5M** – M. Masse shared that the GCEDC has received the draft Grant Disbursement Agreement that spells out the terms and conditions for the disbursement of the \$5M for site infrastructure at STAMP. These terms and conditions are consistent with previous Grant Disbursement Agreements and discussions with NYS ESD.

M. Masse also shared that one slight change that will be included in the final grant disbursement agreement is in regards to the Minority and Women-Owned Business Enterprise (MWBE) requirements. If the Agency does not meet the MWBE requirements in the first \$5M of the funds, they will apply the requirement across the rest of the \$33M.

M. Masse shared that ESD has had some reservations in the past about reimbursing for operational costs. He spoke with ESD specifically about interest expense. He said that if an expense is capitalizable per IRS rules then it is a reimbursable item under the ESD grant. Therefore interest expenses will be included as a part of our reimbursement from ESD.

P. Zelif asked if the Agency meets the insurance requirements.

M. Masse shared that he checked with P. Kennett (Office Manager) and was assured that the Agency's insurance limits are sufficient.

P. Battaglia asked if there could be a potential issue with capitalizing the interest expense, and then having the auditors review and determine that it shouldn't have been capitalized. That could cause an issue with this provision. He suggested running it by the Auditors to get their opinion. He also asked if our legal counsel has reviewed this agreement.

M. Masse shared that Phillips Lytle has reviewed this agreement. The agreement is consistent with other Grant Disbursement Agreements with ESD.

J. Rizzo asked if this agreement will be amended to include the remaining \$28M?

M. Masse shared that it is his understanding that is how the agreements will work.

J. Rizzo also suggested sending over the section referring to the insurance requirements to our broker to ensure that we are sufficiently covered. Once the building is built then this insurance portion of the agreement comes into play.

**P. Battaglia made a motion to recommend approval of the draft grant disbursement agreement with ESD for \$5M to the full board; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Zelif - Yes  
J. Rizzo - Yes  
P. Battaglia - Yes

**The item was approved as presented.**

**4d. Award of Request for Proposal (RFP) for 115kV Substation** – M. Masse shared that on December 4, 2015 the Genesee County Economic Development Center issued a RFP that included one separate Base Bid and one Alternate Bid as follows:

1. Base Bid

- a. Prepare design and engineering plans for construction of a 115 kV substation in accordance with National Grid's specifications and approval from National Grid.
  - b. Prepare bid packets for solicitation of construction bids including the potential for New York State certified Minority Women Business Enterprise firms to participate.
  - c. Perform construction management services and inspection services.
2. Alternate Bid 1 – engineering and design of the Line 112 radial tap.

The GCEDC invited seven local firms to bid and also placed a notice in the Batavia Daily News. As a result of the notice, five additional firms requested a copy of the RFP. After reviewing the RFP, five of the twelve firms have notified the GCEDC that they will decline to submit a proposal.

There were four Addendums sent out in connection with the RFP. They were sent out on December 14<sup>th</sup>, December 22<sup>nd</sup>, December 22<sup>nd</sup> and December 28<sup>th</sup>, 2015. All bids were due on Monday, January 4<sup>th</sup>, 2016 at 4PM at which time they were publically opened and reviewed to ensure that all mandatory forms were signed and included in the RFP packets.

The RFP defined the scoring criteria that would be used to grade the proposals as part of the selection process. The results are shown on the attached proposal summary and scoring sheet.

Based on the review of the proposals, the firm selected was O'Brien & Gere with a Base Bid amount of \$260,600. They declined to bid Alternate Bid 1.

Therefore, we recommend that the STAMP Committee recommend the following resolution to the full Board for approval "Accepting the proposal received from O'Brien & Gere with a Base Bid amount of \$260,600 and awarding the Contract to them for a total award amount of \$260,600 contingent upon satisfying descoping questions."

J. Rizzo asked why such a big discrepancy in price, with the low bid being \$235,000 and the highest bid being \$672,000?

M. Masse shared that the approval of the contract would be contingent upon satisfying the descoping questions. This will give us the opportunity to ensure that the bid is complete and satisfies the request. Clark Patterson Lee will help with that process.

M. Masse also shared that since O'Brien & Gere declined to bid on the Alternate Bid 1 due to time restraints, he can ask them to submit a bid as part of the descoping process.

**J. Rizzo made a motion to recommend acceptance of the proposal received from O'Brien & Gere and awarding the contract to them for a total award amount of \$260,600 contingent upon satisfying descoping questions to the full board; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Zeliff -	Yes
J. Rizzo -	Yes
P. Battaglia -	Yes

**The item was approved as presented.**

### **Adjournment**

As there was no further business, P. Battaglia made a motion to adjourn at 4:28 p.m., seconded by J. Rizzo and passed unanimously.